ANC

SPECIAL NUMBER

The UNESCO Courier

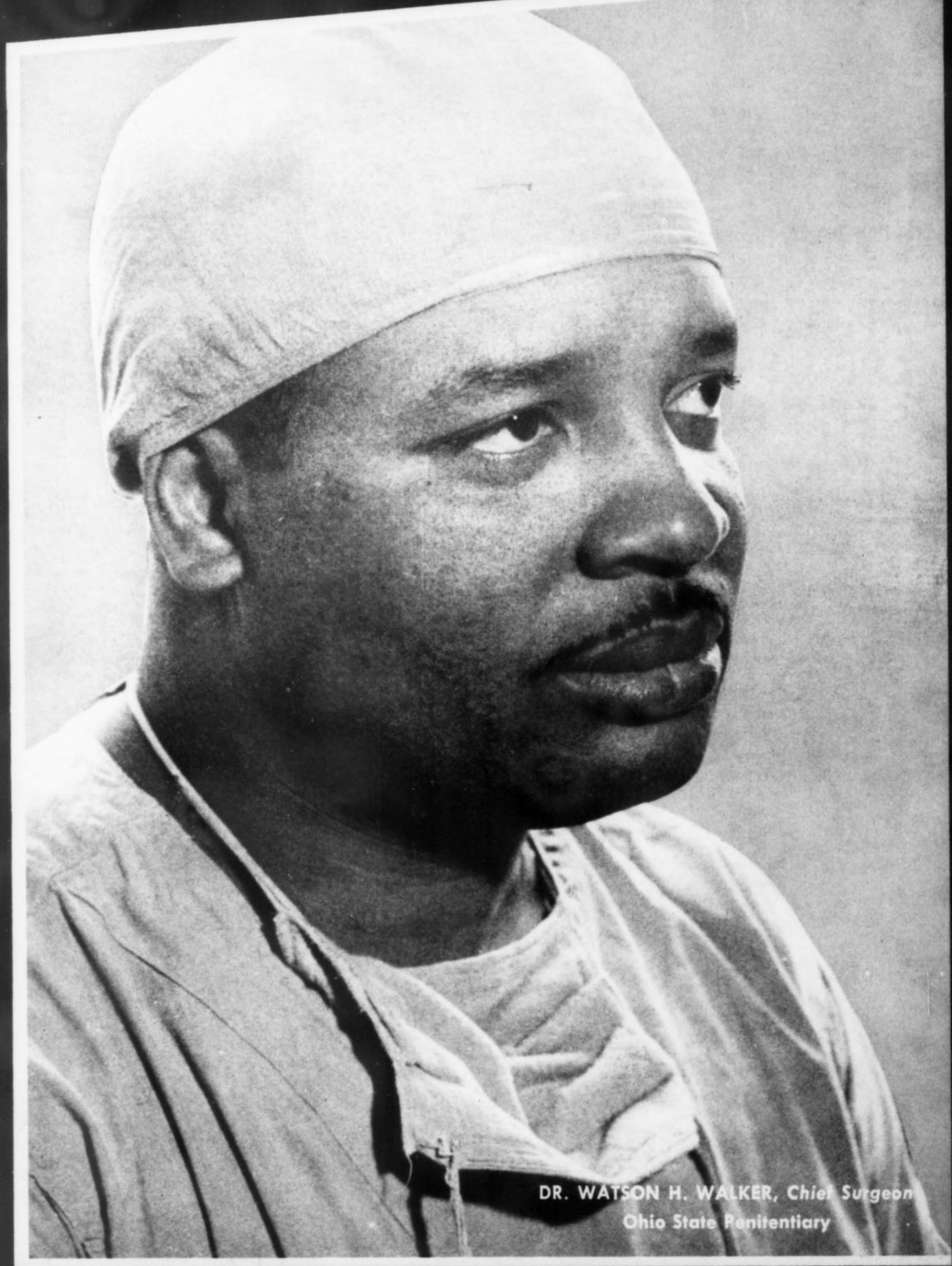
1954
(7 th year)

A WINDOW OPEN ON THE WORLD

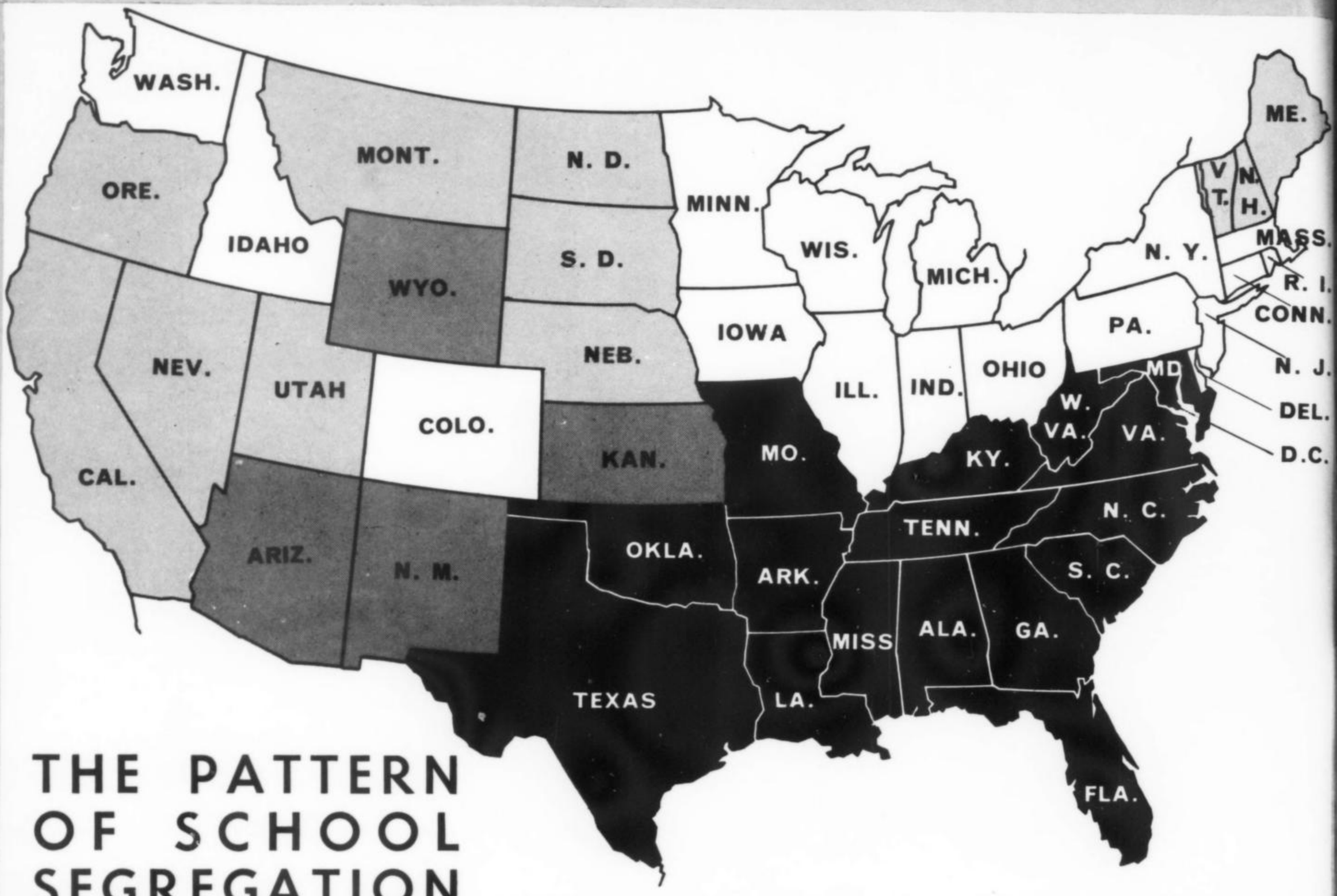
A Unesco Report

THE AMERICAN NEGRO

WHITTLING AWAY THE COLOR BAR



DR. WATSON H. WALKER, *Chief Surgeon*
Ohio State Penitentiary



THE PATTERN OF SCHOOL SEGREGATION ON MAY 17, 1954

Segregation required in 17 states and District of Columbia : Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia.

Local option on segregation in 4 states : Arizona, Kansas, New Mexico, Wyoming.

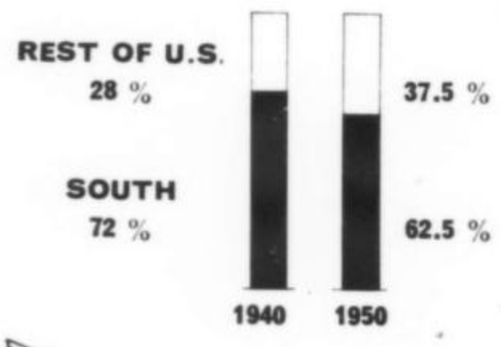
No specific legislation in 11 states : California, Maine, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oregon, South Dakota, Vermont, Utah.

Segregation prohibited in 16 states : Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Washington, Wisconsin.

SHIFTS IN THE NEGRO POPULATION OF THE U.S. 1940-1950

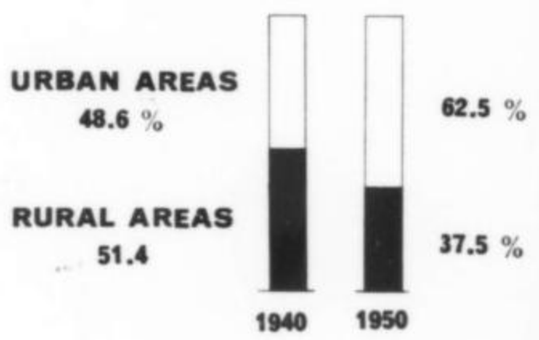
1 - THE SHIFT OUT OF THE SOUTH

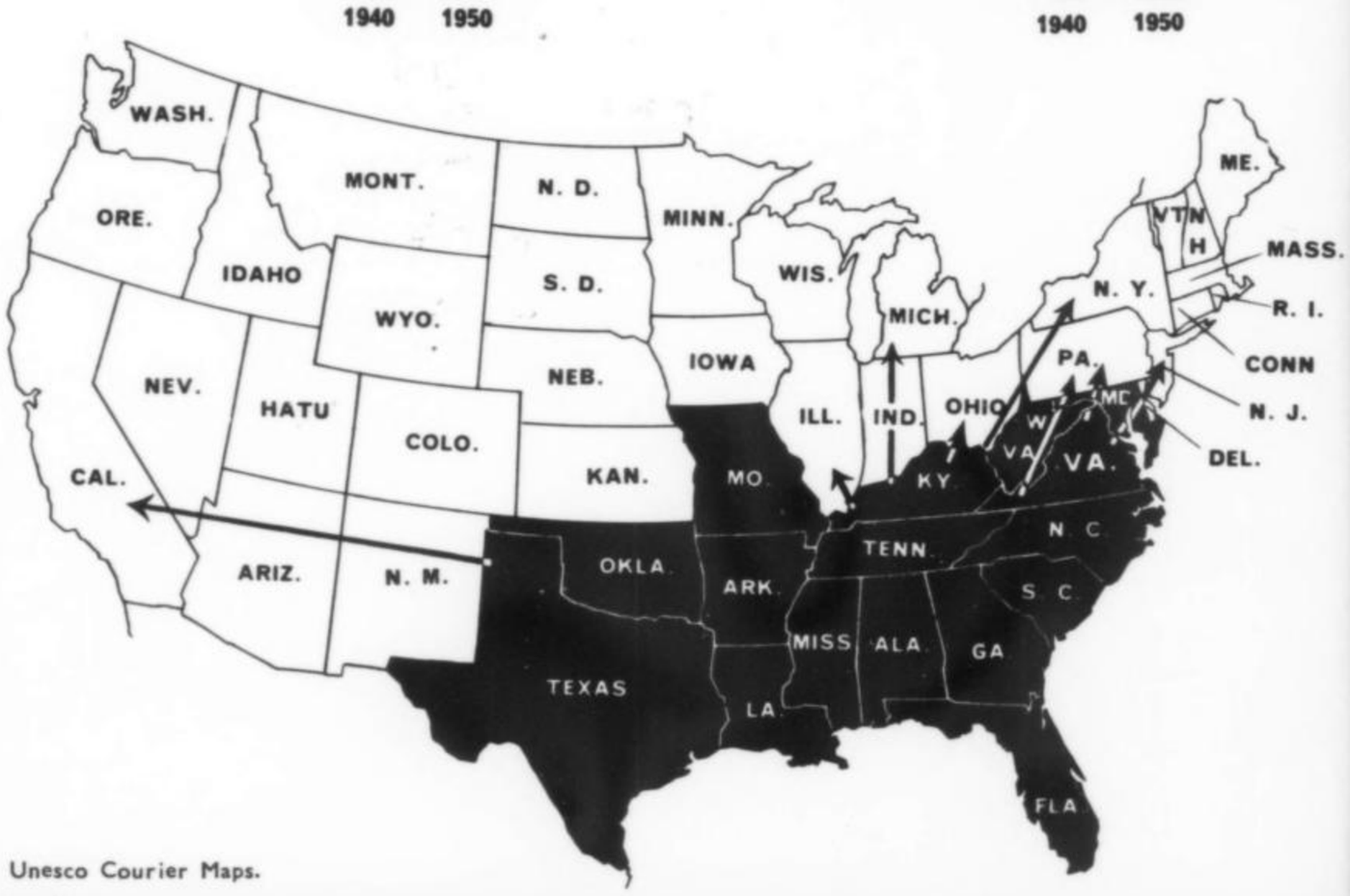
Distribution of Negro Population



2 - THE SHIFT TO URBAN AREAS

Distribution of Negro Population





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A WINDOW OPEN ON THE WORLD
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Seventh Year

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Special Issue

THE U. S. NEGRO

This Negro doctor who is the chief surgeon at the Ohio State Penitentiary, symbolizes the enormous progress of the Negro in the past 50 years in achieving equality of opportunity in the United States. (Photo copyright, published by courtesy of "Ebony", Chicago).

FOR the average person the racial question means little more than conflict, clashes and similar dramatic events. Facts about the progress made by minority groups and the improvement of their status usually pass unnoticed unless something occurs as spectacular as the recent decision of the United States Supreme Court outlawing segregation in American public schools.

It is too early as yet to judge the full practical import of this decision but we do know that it was made possible by the efforts of both whites and Negroes working together in many fields.

There is no country in the world where racial discrimination is accepted as a dogma by the whole of the population. Everywhere associations have been formed for the advancement of minority groups. In certain countries, as in the United States, the Federal government itself has stepped into the struggle and has sought to put into effect an equalitarian policy.

The battle against racial discrimination and the prejudices which cause it have been a special concern of Unesco since its creation in 1946. Unesco has sought to focus attention on the positive achievements in race relations rather than on the negative aspect of the conflicts themselves. Thus it has been making a critical survey "of the methods and techniques employed for facilitating the social integration of groups which do not participate fully in the life of the national community by reason of their ethnical or cultural characteristics or their recent arrival in the country."

During the past few years Unesco has undertaken special studies of the racial situation in six countries —Brazil, France, Western Germany, Yugoslavia, Mexico and the United States—each of which has made a contribution to the solution of the problem, and each of which Unesco feels is worth knowing and publicizing.

There are many ways of combatting race discrimination. Some people believe that the most effective means is through progressive education of the public in order to eliminate the basic roots of prejudice; others pin their hope on legislation; still others look to the steady progress of the minority groups themselves.

There is, of course, no one and only road for eliminating discrimination. But historical circumstances and even individual temperament are often factors which determine what particular method a group prefers. All methods have been tried out in different parts of the world and each has a lesson to teach us.

Let us take the case of legislation. Is it true, as has often been said, that "you can't legislate against prejudice", or on the contrary, can law help to uproot prejudice itself by placing the stigma of illegality on discrimination ? The question is important and an answer can come from an examination of the facts.

Doubts have similarly been raised about the effectiveness of educational campaigns. The caution and hesitation of scientists regarding races has often been misinterpreted as an admission of ignorance. Individuals have not found it difficult therefore to point to one theory of race as opposed to another in refusing to discard their prejudices or traditional beliefs.

Facts and the figures speak for themselves and are therefore much more eloquent. The swift transformation of many civilizations which the world is witnessing, obliges us constantly to revise our opinions about other peoples. How can anyone still speak of "inferior or superior peoples" when advances representing hundreds and even thousands of years of progress are being achieved by so many ethnic groups in the space of a few years?

Yet despite the wealth of information on the subject, the fact of this rapid progress and its deep significance are but little known. In earlier issues, *The Unesco Courier* has drawn attention to the ease with which certain so-called "backward" peoples have assimilated the elements of our industrial civilization. It has also dealt with the racial situation in various parts of the world such as Brazil, Hawaii and Australia which seem to be on the road to satisfactory solutions of the problem. This issue is devoted in its entirety to the American Negro whose progress in less than a century is one of the most amazing social phenomena of our time.

Alfred MÉTRAUX.

A look at U.S. race relations

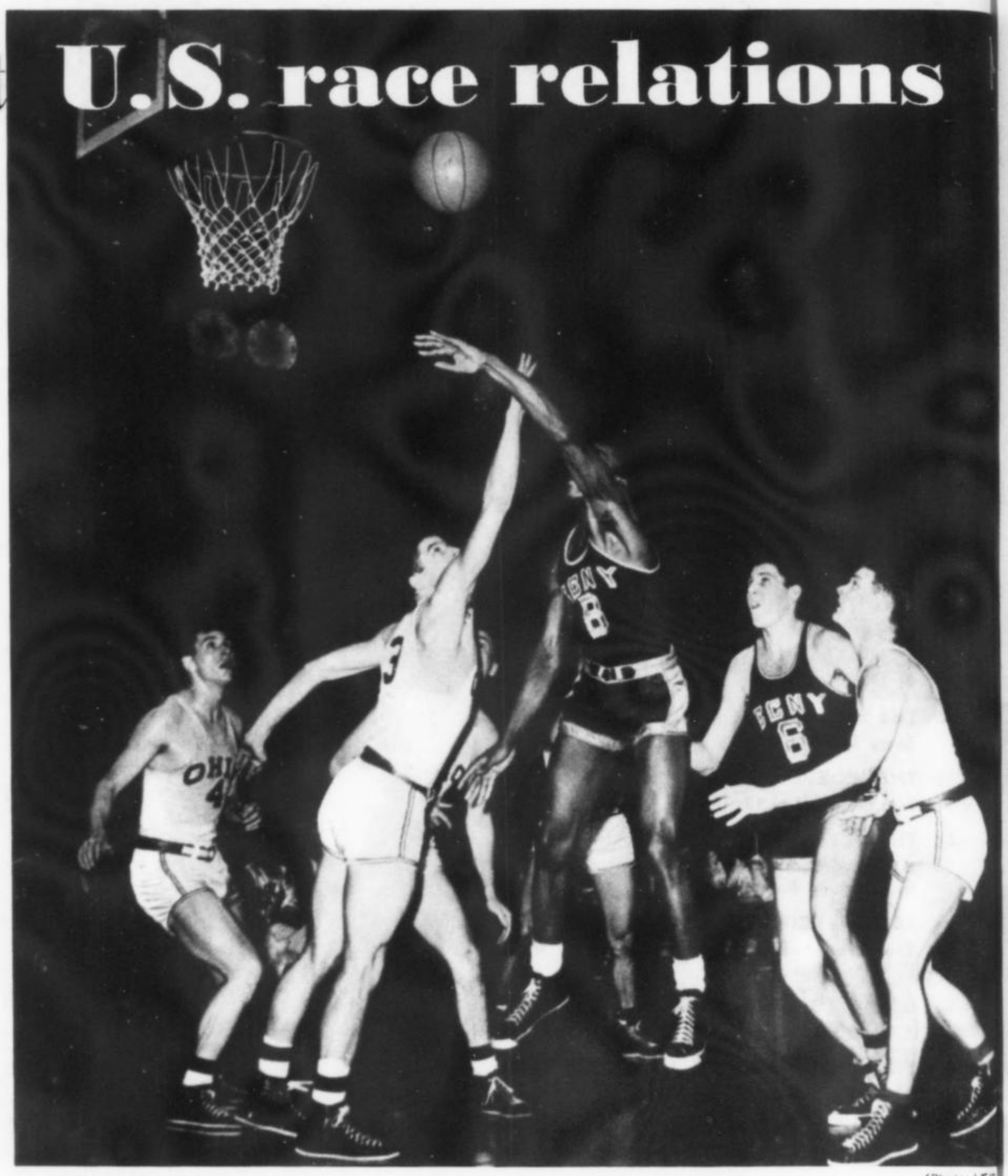
THE SCOREBOARD FOR THE NEGRO

by

Morroe Berger

Princeton University

Dr. Berger, formerly political analyst, Foreign Affairs Department of the American Jewish Committee and instructor in sociology at New York University is assistant professor of sociology at Princeton University. He is the author of an authoritative study on local controls over group discrimination entitled "Equality by Statute" (Columbia University Press, New York, 1952) and the author of the Unesco study published early this year entitled "Racial Equality and the Law" from which the articles on pages 4-15 are taken.



(Photo USIS)

SPORTS OF ALL KINDS have helped to reduce racial discrimination in the U.S. Major leagues in professional baseball began in 1947 to hire Negro players, and by now they are so well accepted as to occasion little comment. In college basket-ball (above) Negroes are "one of the team".

1

IT is something of a paradox that the world has long pointed to the United States as a classic example of both political democracy and social inequality. Indeed, as political freedom has diminished in large areas of the globe and colour discrimination arouses even more bitter resentment with the decline of colonialism, the United States has become the object of much critical examination.

While observers most concerned with political freedom and economic and technological advances have been favourable in their comments on United States institutions, observers more concerned with group relations and the problems of social equality have often been highly critical. What both groups have tended to overlook is that in recent years the United States has applied the identical machinery that operates its political democracy to effect considerable improvement in its traditional pattern of social discrimination.

Indeed, it already seems safe to say that in the "contest" between the implications of political democracy in the United States and the implications of its system of unequal social status based in part on custom and in part on law, the former are prevailing over the latter. The issue is certainly not fully settled. Yet, unless there is a sudden and sharp reversal, all present trends show the "contest" resulting in a clear-cut, if not uniform, victory for the principles of democracy over those of inequality. Such a victory will serve also to demonstrate that legislative and legal techniques can effectively reduce and even eradicate deeply rooted prejudices and habits.

While discrimination in any form is itself undemocratic (although there are theorists and groups who have held that the milder forms of it are wholly compatible with democracy where everyone has the right to express his tastes) its most injurious aspect is economic. Before equality of status and other minority rights can be assured, it is above all essential to remove the barriers to earning a living and other impediments which block anyone from attaining the more desirable professions and vocations.

In developing relations with other people, all of us are constantly making choices on the basis of more or less conscious deliberation. We select this person over that one as a friend; we adopt attitudes towards others ranging from love to hostility; we choose to be intimate with this acquaintance and prefer to remain more formal with that one. In one sense this process might be called discrimination, since by it we select one among several courses of action and exclude others. But so long as this selection is based upon consideration of the individual qualities of other persons, we do not call it "discrimination" in the sense in which this word is used in the analysis of group relations.

Consider now another sort of selection. Suppose a man to select his friends, or the neighbourhood in which he will live, or the school his children will attend, in such a way as to bring him and his family into as little contact as possible with individuals of a certain religion, nationality, social class, or skin colour.

Suppose further that he arrives at these decisions not by evaluating the merits or demerits of members of these groups but simply on the basis of his dislike or fear of those groups as such; or, as is frequently the case, on the basis of his belief that **all** the members of a particular group are inferior to him or unworthy of his association. Such a person can be called prejudiced.

This person groups and evaluates people on the basis of traits which have no validity, according to the scientific data we now have, as an index to individual intelligence, taste, capacity to learn, or to such qualities as honesty, trust-worthiness, ambition, and so on. Nevertheless, the actions of a person who makes such prejudiced judgments is not discrimination in the sense in which the word is used here, although it usually leads to it.

Discrimination, in this sense, is not simply an attitude or an opinion, although it may be (and usually is) based upon either or both. Discrimination, rather, is a specific act, a deliberate attempt to exclude some individuals from something desirable because they are presumed (correctly or incorrectly) to belong to a certain group. The groups that are most often the objects of discrimination are identified by means of religion, national origin, colour, language, and social class.

Discrimination on such grounds means the denial of a right or privilege to a person on the ground of his presumptive membership in some group, regardless of his individual qualities. We may accept the following brief definition given by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities: "... discrimination includes any conduct based on a distinction made on grounds of natural or social categories, which have no relation either to individual capacities or merits, or to the concrete behaviour of the individual person."

Discrimination, then, is an overt act usually, although not necessarily, derived from an attitude of prejudice. We say "not necessarily" because we know that many persons who discriminate do so not out of their own prejudice but out of a tendency to conform to a discriminatory pattern they find in their communities or at their place of work. Since it is an act rather than a feeling, discrimination is more easily combatted than prejudice, is more amenable to control by law, and is more easily measured by the student of social relations. Likewise, its growth or decline is more easily studied and measured than is the decrease or increase of prejudice.

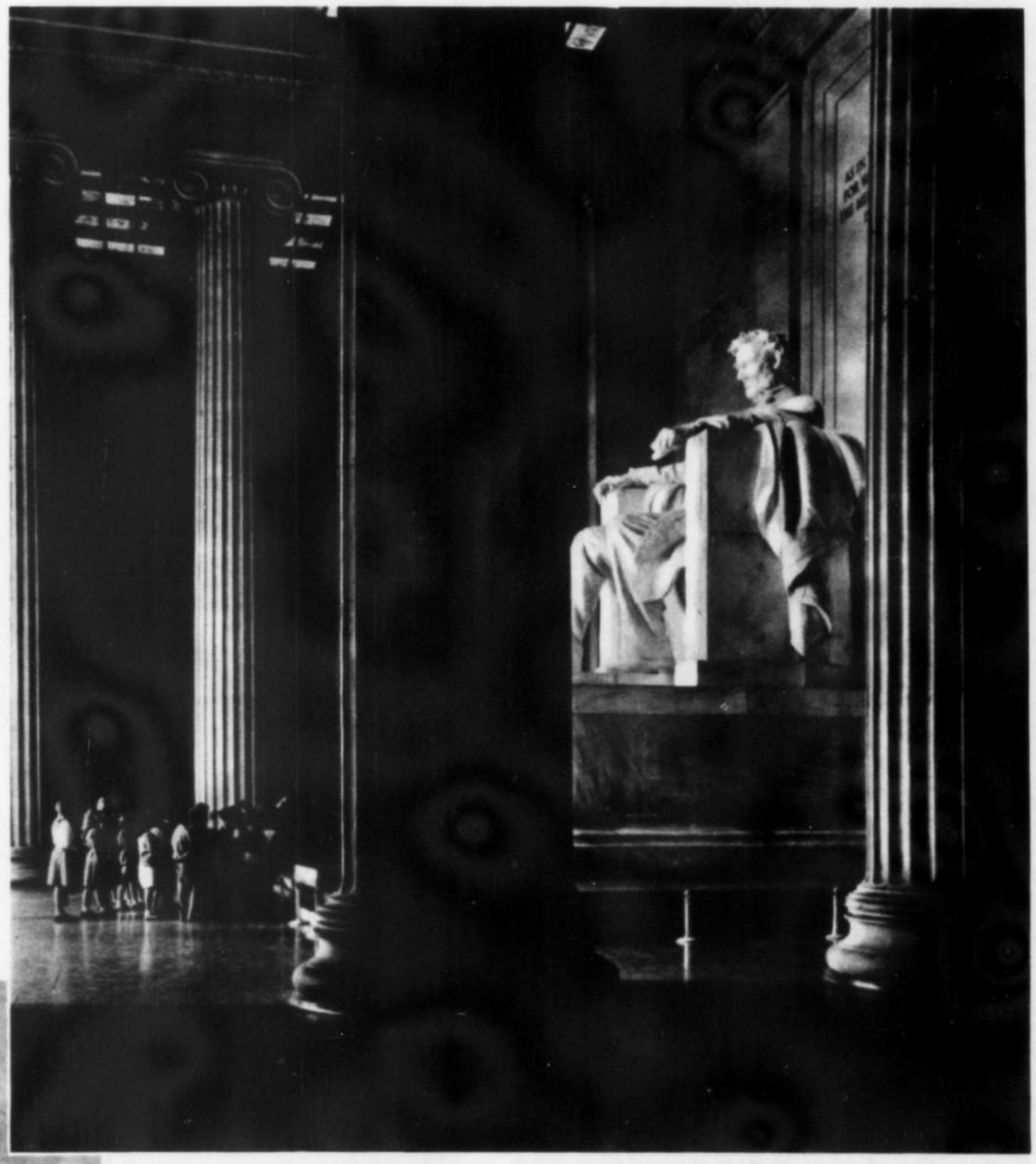
Among the most recent efforts to determine quantitatively the amount of discrimination in various areas of American society is a study by Ralph H. Turner of employment discrimination against non-white (mostly Negro) Americans. Mr. Turner, by measuring the differences in occupational distribution of whites and non-whites having the same degree of formal education, has reached some noteworthy conclusions, among them, the following:

1. Nearly two-fifths of the difference in occupational distribution between whites and non-whites is due to the fact that whites have more formal education. But the remaining three-fifths cannot be traced to educational superiority and may therefore be attributed to discrimination.

2. Unemployment strikes non-whites more heavily than it does whites. Only about one-fourth of this difference can be attributed to the lower educational level of the non-whites. The remainder may be said to be due to discrimination.

3. Discrimination against non-Whites does not occur primarily in the form of a complete refusal to hire them but in the refusal to hire them in those capacities for which their formal education qualifies them.

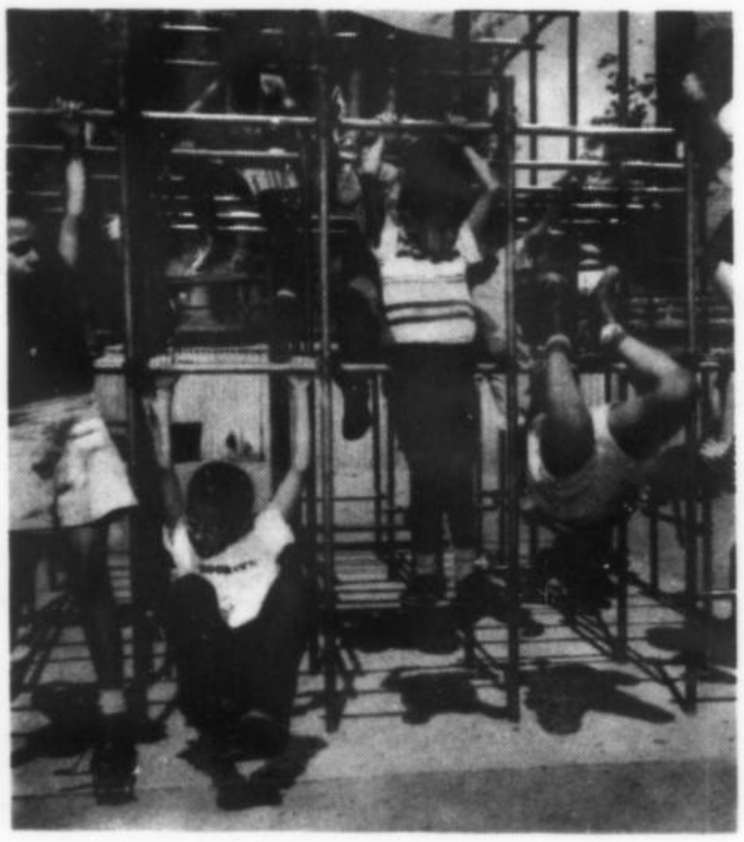
The assumption that education is the chief determinant of employment qualification also points to another significant form of discrimination.



THE GREAT EMANCIPATOR

The United States fought a bloody war over the question of Negro slavery. In 1863 while the war was still in progress, President Abraham Lincoln issued his famous Emancipation Proclamation which declared all slaves within the states which had seceded from the Union to be free. As soon as the Northern armies captured a region, the slaves were immediately freed. The remaining slaves in the U.S. were freed by the 13th Amendment to the Constitution (ratified December 18, 1865). Above, the statue of Lincoln in the Lincoln Memorial, Washington—a shrine visited by thousands of persons every year. Left, in the simpler setting of a housing development one of the many statues raised to Lincoln by the people of the United States.

(Photos USIS)



CHANGING PATTERNS. — The federal government has taken an unequivocal stand against colour discrimination in the civil and armed services of the U.S. Today a new pattern is being set in the Army, Navy and Air Force. Men of both races train, work and live together (above). The change-over from segregation to non-segregation has been achieved without serious friction. In a modern housing development, children of all races play together in "Jungle Gyms", left.

the deep-running currents of change

inequality of educational opportunity. In a society where training is so important, practices of this type are simply an early form of occupational discrimination. The groups that suffer most in this respect are the Negroes, who find that their access to higher education is severely limited, and the Jews who are not freely admitted to some privately supported colleges and professional, especially medical, schools.

It would be futile to deny that these conditions in education and employment do exist in the United States. But it would be equally futile, after considering the changes that have recently occurred and comparing past and present conditions, to deny that noteworthy advances have been made in eliminating these evils.

It is highly significant that most of the recent advances have been closely connected with the policies and acts of the federal and state governments. During the great depression of the 1930's, the United States underwent a profound, far-reaching and probably lasting change in its conception of the proper role of government. New interpretations of the United States constitution greatly enlarged the power of the federal government at the expense of the states, particularly in the regulation of economic affairs.

At the same time, the state governments found their own power to regulate their internal social and economic relationships strengthened and increased. Decisions of the United States Supreme Court acknowledged and confirmed that government had the power to regulate, in some respects, the hiring and firing of workers and to prescribe working conditions. And it was this change in the broad philosophy of government that set the stage in America for the newest and most effective methods of coping with discrimination.

It was in response to the depression, too, that the federal government instituted programmes that eventually affected group relations in every community in the country. Many of these programmes were designed to aid the indigent and inevitably reached those groups that had suffered most from discrimination. Although the anti-depression measures were not aimed specifically at these "underprivileged" groups, the government definitely sought to carry them out without regard to the colour, religion or origin of the beneficiaries.

Money was distributed directly to the poor; plans were developed for aiding farm owners, tenants and workers; the government built houses or contracted for them to be built; through a vast public works programme hundreds of thousands of men and women were hired for every kind of work from menial labour to the most advanced kind of artistic creation. In all this variegated activity, minority groups of every kind received fairer treatment on a national scale than they had ever enjoyed before.

The Negroes, in particular, experienced a much greater measure of equal opportunity and treatment than they had enjoyed in the past. Of course, equality in the distribution of charity or government relief funds is not precisely the answer to the aspirations of underprivileged groups. But the full acceptance of their rights was an indication of the new spirit in the land and an augury of more significant gains. Taken in conjunction with vast changes in the distribution of the Negro population, federal recognition of their status helped to set in motion forces tending to make for their greater participation in the benefits of democracy.

INCREASED MIGRATION of Negroes from the south to the north of the U.S. took place between 1930 and 1940, and was again sharply accelerated during World War II. It was accompanied by an urbanization of the Negro population. Between 1940 and 1950 the proportion of Negroes in 27 cities rose from 17.5 per cent to 30 per cent. Industry also opened its doors to Negro workers, more and more of whom are now employed in skilled jobs and therefore enjoying an improved economic status. The one shown here is a worker in a Detroit automobile factory.

A considerable migration of Negroes from South to North had begun during World War I. This trend continued during the post-war period, increased during the thirties, and, owing to a variety of factors, was sharply accelerated during the war-interrupted decade of 1940-50. The suddenness and size of the change may be measured by the fact that during this last-mentioned decade the total population of 16 Southern states nearly doubled, whereas their Negro population increased by only 2.5 per cent.

Another aspect of the changing role of the Negro in American life was his growing urbanization. In 1940, 27 cities contained 17.5 per cent of the total Negro population; 10 years later the same cities contained more than 30 per cent of the total. The hectic pace of Negro urbanization can be measured by the simple fact that whereas from 1940 to 1950 the white urban population rose from 58 to 64 per cent of the total, the Negro urban population expanded at more than twice the white rate, rising from 48 to 61 per cent.

Along with increased educational and employment opportunies, an important consequence of these population trends is that Negroes are more concentrated than before in Northern cities and states where they are free to vote and to utilize their strength at the polls. These cities and states, moreover, owing to their large populations, are influential in national elections. One indication of the potential power of the free Negro vote is that in 1948 and 1952 this vote was greater in many states than the margin of victory of either of the two major political parties, Republican and Democratic.

Negro voting has likewise grown rapidly. In 1948 it was estimated that there was a record Negro vote of 750,000; in the 1952 national election this vote was put at 1,350,000. These gains were registered not only in the North but also in the South, where the trend toward Negro disfranchisement has been decisively reversed and Negroes are becoming an important influence in elections.

Meanwhile, during this period of the 1930's and into the next two decades as well, the United States Supreme Court was both responding to this new spirit and stimulating its growth. In a series of remarkable decisions, the Court reversed a tradition of a half-century and began to give special protection to the rights of minority groups — protection redounding especially to the benefit of Negroes, the most underprivileged among these groups that have suffered from systematic discrimination.

During the decade following the end of the Civil War, the federal government had sought, through five major laws and three constitutional amendments, to protect the newly-emancipated Negroes in their exercise of the rights and privileges of United States citizens; but in the period that followed, the Supreme Court by its verdicts in case after case restricted the application of these statutes and amendments.

During the 1930's, however, the decisions of the Court began to emphasize the protection of civil rights. As we shall see later in more detail, the Court gave the federal and state governments greater power in protecting minority groups against discrimination by private individuals and groups, and at the same time diminished the power of governments themselves to discriminate. These decisions bolstered minority rights in the administration of justice, citizenship, employment, and voting, and helped considerably to weaken segregation in education, housing, and public transport.

(CONTINUED NEXT PAGE)

In the thirties, too, a period began during which the legislative branches of both the federal and state governments were continuously influenced by the trend towards equality of opportunity. True, up to the end of 1953, the United States Congress had been unable to overcome the tenacious opposition to major civil rights legislation. But even this body, which reflects all the interests of every geographical region, including the South, where discrimination and segregation are strongest, has felt the powerful impact of the new spirit.

400 Anti-bias Laws

ALTHOUGH it has actually passed none but minor laws, Congress has served as the arena for many long-drawn, widely publicized battles for measures against discrimination. These struggles have done much to educate and arouse the public and to unite all the organized groups seeking corrective legislation. The number of bills introduced is itself impressive. In 1937-38 there were only 10 bills dealing with minority problems; during the next 10 years 170 such bills were presented and in 1949-50 alone 72 bills were introduced.

The state legislatures have also experienced this growth of interest in the outlawing of discriminatory practices, and many of them have enacted effective laws. From the establishment of the United States until 1953, the states have enacted almost 400 anti-discrimination and anti-bias laws. Two-fifths of these laws have been passed since 1940. These statutes have outlawed discrimination or segregation in employment, places of public accommodation, education, health care, housing, insurance and loans, the armed forces, voting, the professions, or have sought to remove irregularities in marriage laws, or have dealt with group defamation, the rights and status of aliens and the foreign born, and mob violence.

Popular upsurge

UNDERLYING these government activities has been an extraordinary upsurge of popular feeling for democratic equality as revealed in the activities of a host of private voluntary organizations, including business and religious groups, athletic organizations, professional groups, etc. Only a few years ago discrimination became for the first time a subject treated openly, frankly and extensively in the movies, over the radio, and in the mass circulation magazines.

Dozens of cities, in response to demands by their citizens, established special agencies to improve group relations. The major leagues in professional baseball began in 1947 to hire Negro players, and by now they are so well accepted as to occasion little comment. Since the 1940's, too, religious, labour and professional groups have admitted to membership all qualified persons irrespective of race, colour, religion, or national origin; these include national Church groups and local Churches of all religions and denominations, trade unions, and associations of doctors, dentists, nurses, lawyers, teachers, scholars, and students in all parts of the country, including the South.

The upshot of all this government and private activity is that the Negroes, who have constituted by far the most underprivileged large group in the United States, have made great strides towards achieving living conditions on a par with other United States groups. These advances can be measured in certain indices of welfare as reported recently in a special study by the United States Bureau of Labor Statistics. Two conclusions are drawn from the facts presented in this official study: "The first is that in almost every significant economic and social characteristic that we can measure—including length of life, education, employment, and income—our Negro citizens, as a whole, are less well off than our white citizens. The second is that in almost every characteristic the differences between the two groups have narrowed in recent years."

In terms of basic health, while the death rate is still higher among Negroes than whites, the difference in these rates has declined markedly. In 1935, the Negro death rate was 17.3 per 1,000 of the population, the white rate 11.1 per 1,000. By 1949, the death rate had declined to among Negroes 12.6 as the white rate dropped to 8.4, the Negro decline being proportionately greater.

In education, likewise, the statistics for the same period revealed that the gap between whites and Negroes had been considerably reduced. In 1940, Negroes at the age of 25 had completed an average of 5.7 years of school; in 1950 this figure had risen to 7 years. In 1940, whites had completed 8.7 years of school, and, in 1950, 9.7 years. The Negroes' gain was thus proportionately higher than that of the whites.

Progress in employment can be measured by the degree to which Negro workers have been able to leave ill-paid jobs in agriculture for skilled or unskilled jobs in industry. In 1940 more than 40 per cent of all Negro workers were in agriculture; by 1952 this number had declined to 19 per cent. This decrease in the proportion of Negroes in agriculture was more than twice the decline among the Whites. The total improvement in the economic condition of the Negro may be gauged from the fact that in 1939 the average Negro worker's income was about $400 a year—or less than 40 per cent of the average wage of white workers. In 1950, the Negro worker earned an average of $1,300 a year—or 52 per cent of the white worker's average wage.

Still much to do

ALTHOUGH these changes, during a relatively short period, are evidence of significant progress, no one would deny that much remains to be done to improve group relations in the United States and to ensure the rights and privileges of all the inhabitants. The advances have taken place under favourable economic conditions, they have not been uniform and, in scattered urban areas both in the North and South, they have been accompanied by some illegal violence.

Nevertheless, the progress is perceptible and so is the will and determination of the majority of the American people to move forward towards the realization of full equality of rights and opportunity for all. And as the United States has become increasingly subjected to world scrutiny, the government and American citizens have realized that the United States minority problem is one which, for good or ill, can seriously affect American status abroad.

(Photo Magnum - Cartier-Bresson.)

SLUM AREAS. — Many Negroes are still confined, because of housing segregation, to "black belts". Here in many American cities they live in overcrowded, dilapidated structures in slum areas. But many efforts are being made to improve the lot of both city and country dwellers. Of 150,000 housing units recently built by the government, 50,000 were allotted to Negro families.

Employment discrimination and its reduction

NO SKILLED NEGROES WANTED

(Photos USIS)

2

EMPLOYMENT discrimination as it exists in the United States persists as the result of a situation involving contradictory elements. On the one hand, such discrimination can only become a serious problem in a society that is highly industrialized, that is, a society in which workers are employed in large-scale, mechanized enterprises under what is known as a capitalist or entrepreneurial system of production. Such a system is considered highly "rational", since it tends to encourage science and technology and gears itself to making profits through the most efficient processes of production and distribution.

On the other hand, discrimination could not exist without such irrational factors as prejudice, bigotry, anxiety, etc., all of which introduce into the process of production judgments based on race, colour, religion, or national origin that function, demonstrably, to militate against maximum efficiency.

Discrimination depends, therefore, upon the coexistence of two developments, each typical of radically different patterns of life. To begin with, there must be a high proportion of wage-workers in the employ of owners or managers and a high degree of occupational specialization yielding different rewards from small to relatively large for those working at different tasks. But alongside these modern, capitalistic economic modes persist older patterns of thought and behaviour, which do not have efficiency as their sole criterion and allow the operation of prejudice, irrationality and sentiment to influence the process of production.

As the American sociologist, Everett C. Hughes, has pointed out, modern industry mixes various kinds of peoples, brings various groups together in a pot-pourri of nations and classes within nations. While it brings people together on a large scale, industry also segregates individuals and groups according to their function and status.

This kind of segregation is very apt to develop along ethnic or racial lines. Thus, in almost every country, whether economically developed or underdeveloped, certain groups concentrate in particular crafts or industries. When this sorting process is unrelated to actual qualifications and when members of particular groups are excluded against their wish from desirable employments, a discriminatory pattern may be said to exist.

Occupational discrimination is not confined solely to the United States. It plagues other countries too, but does not usually cause so much domestic agitation or so much comment from foreign observers. The reasons for the intensity of feeling generated by the presence of discrimination in the United States are numerous, rooted in its history of mass immigration and the development of its democratic, highly industrialized society.

To begin with, successive waves of new immigrants into a land where no political compulsions exist have created a nation where minorities of one kind or another formed, in 1950, fully one-third of the population of some 150 million.

In that year the United States contained more than 28 million Roman Catholics, over 15 million Negroes and more than 5 million Jews. Persons of Asian and Latin American birth or ancestry numbered more than another million. And though the rate of immigration has been comparatively low for a generation, there were still 10 million people in the United States who were born outside its boundaries. The difficulties of reconciling opposing interests, beliefs and habits in so heterogeneous a society are readily apparent.

American minority groups have, moreover, a very different relation to society from similar groups in European countries. In Europe, for the most part, discrimination is—or at least was—the product of a legally-imposed pattern involving restriction of the opportunities of genuine "minorities", that is, groups in a national state which did not wish to become part of the community but wanted certain rights guaranteed to enable them to *withdraw* from the rest of the community.

A "minority" in the United States today is something else—it does not denote a group constituting an enclave seeking to isolate itself from national life as a whole. By and large, United States minorities desire and strive towards full participation in the life of the community. The result is an emphasis on factors such as prejudice and discrimination

★ REDUCING JOB DISCRIMINATION *(Cont'd)*

WHAT DISTURBS THE NEGRO MOST

that frustate the powerful urge towards full integration.

Moreover, it is precisely because the United States makes it possible for all individuals to share in the country's great wealth that such resentment is created among those who suffer from unequal treatment. In other countries the problem is apt to be less acute because there is less wealth, the approaches to it fewer and the class-structure too rigid to permit much movement. The greater social mobility of the United States, coupled with its philosophy of ambition and ability to reward successful achievement, means that any block in the aspirations of a group has the most serious social and political consequences.

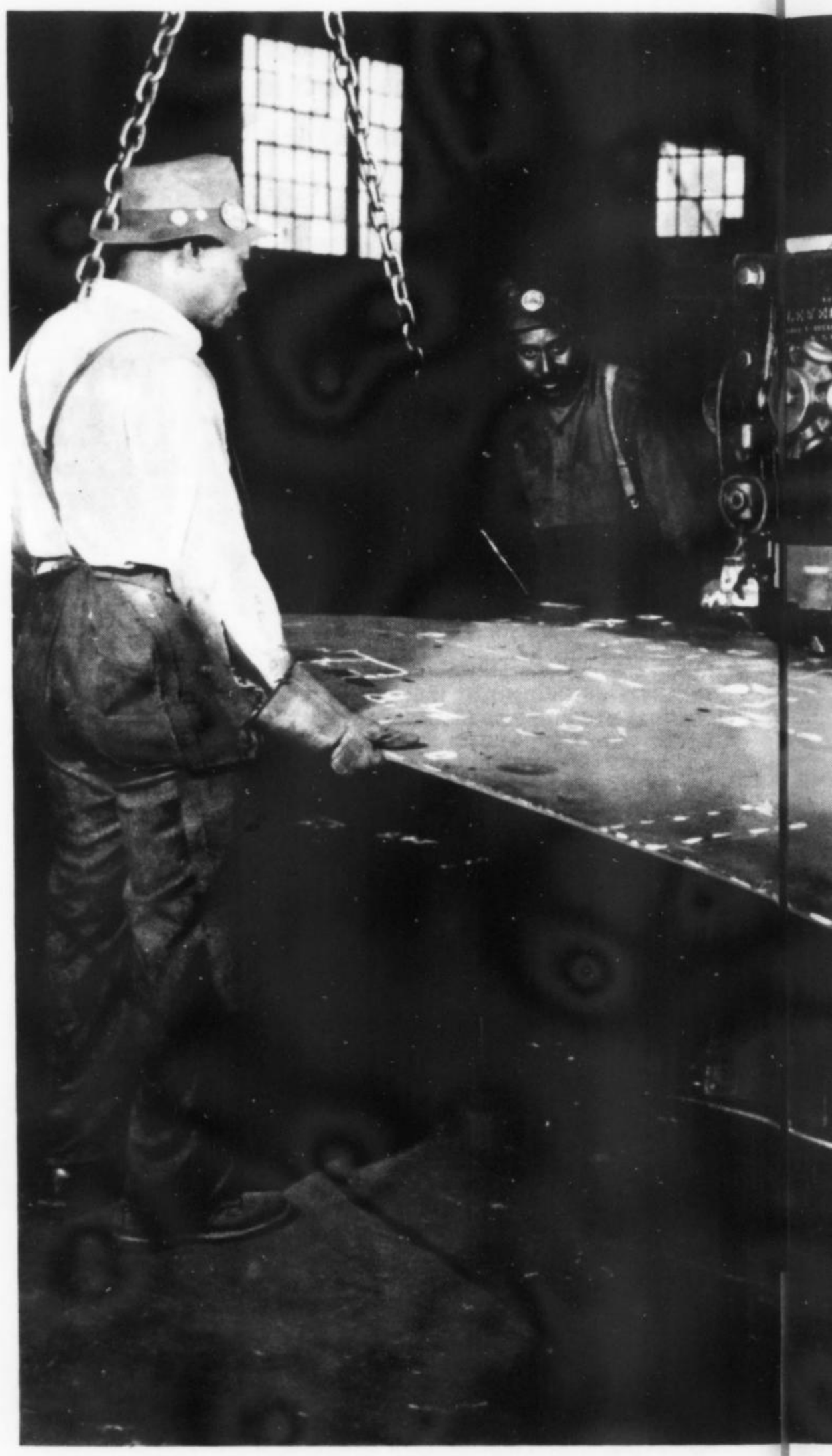
Finally, the ideals and traditions of American democracy, the highly industrialized economy which militates against all irrational prejudices that interfere with productivity, tend to make the existence of inequalities a serious matter, disturbing the security and way of life of the nation as a whole.

Discrimination, in America, takes many forms and excludes individuals from various desirable offices and activities for a host of different reasons. Thus, it is extremely improbable at present that anyone but a white Protestant would be elected President, but this is not yet considered a serious grievance to those so barred. Indeed, it is common for groups to be disturbed very little by certain kinds of barriers, while those who erect them feel most strongly about their maintenance.

In his monumental work, *An American Dilemma; the Negro Problem and Modern Democracy,* Gunnar Myrdal, the great Swedish economist, has pointed out that a curious hierarchy of discrimination against the Negro prevails in America. Those who discriminate feel most strongly about items regarding which the Negroes themselves have only a minimum of concern. Here is the list, going from the items which arouse the highest intensity of emotion in those who discriminate to the lowest:

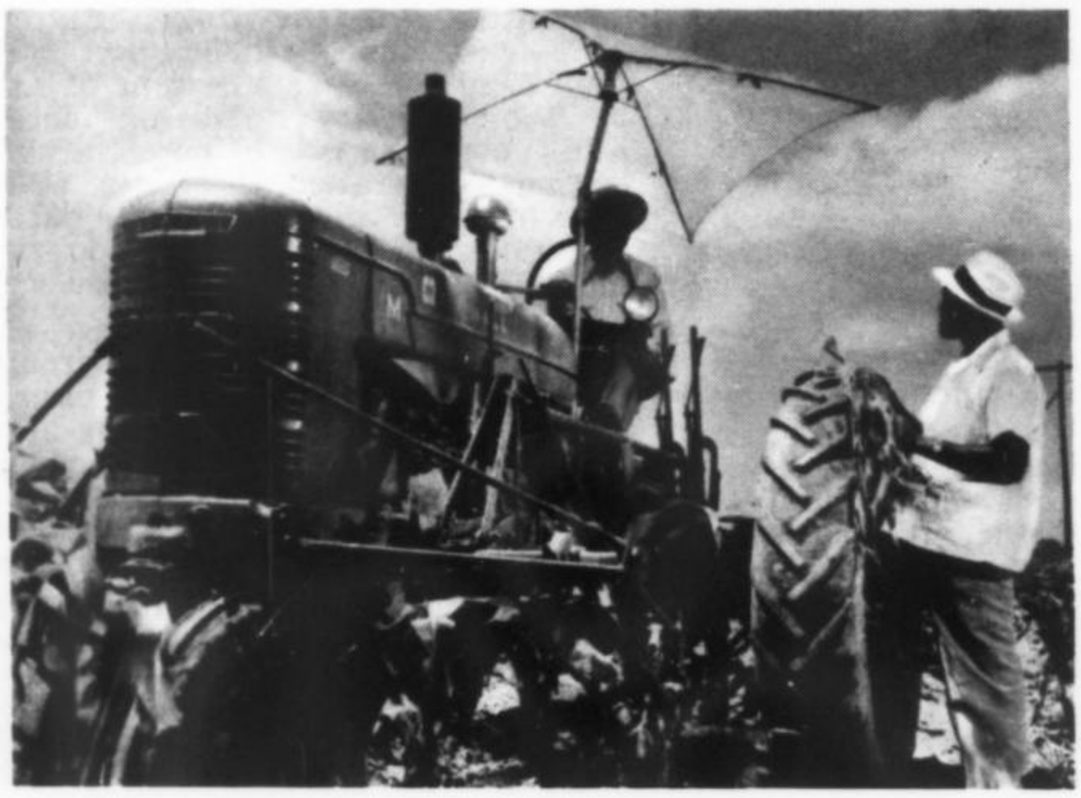
1. Intermarriage, and sexual relations involving white women.
2. Other personal relations, e.g., eating, dancing, bathing and general social intercourse.
3. Use of public facilities, e.g., schools, churches, means of transportation.
4. Political rights, e.g., the right to vote.
5. Discrimination in courts of law and by police and other officials.
6. Economic activities, e.g., land ownership, employment, obtaining credit, public charity.

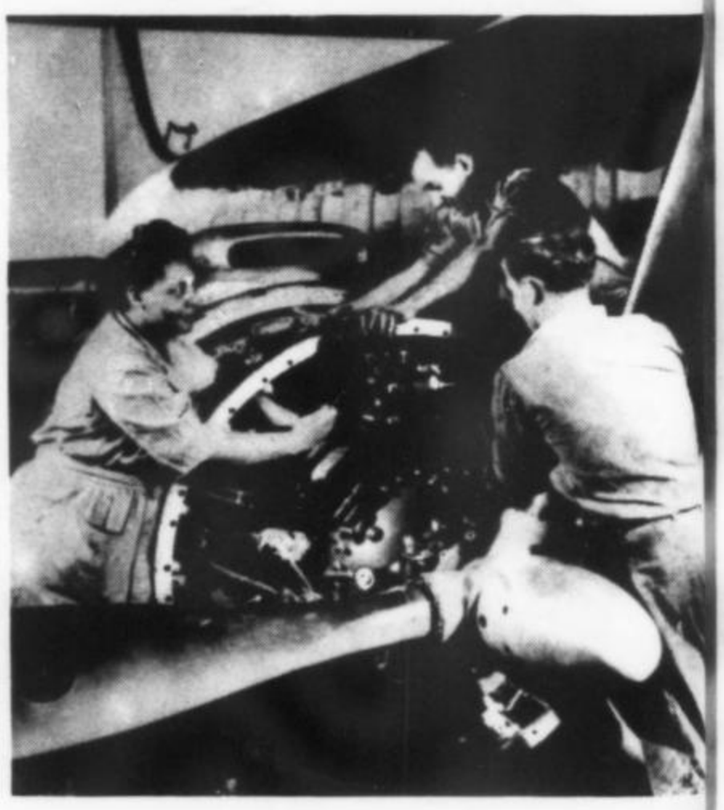
The intensity of the Negro's feelings about these items is diametrically opposed to those of the white man; he feels, for the most part, much less disturbed by the items at the top of the list than he does by those at the bottom. The chief reason for this is his relatively low economic status.



IT WAS NOT UNTIL 1942 AND THE LABOUR SHORTAGE OF WORLD WAR THAT

INDUSTRY AND FARMING. — During World War II, a million Negroes went into defence industries. In general they have stayed in industry ever since. To-day nearly 11% of all industrial workers are Negroes, twice as many as in 1940. During this period the number of Negro agricultural labourers has greatly decreased, but for those who remain conditions have become better. Negro farm owners today number more than 189,000.





WAR THAT RACIAL BARRIERS TO NEGRO EMPLOYMENT IN INDUSTRY REALLY BEGAN TO CRUMBLE.

This accounts for the large proportion of his hopes, energy and resources that the Negro has put into the struggle for fair employment practice legislation. A correspondingly strong reaction from those opposed to this kind of legislation and the involvement of other minority groups have combined to make the issue of fair employment a crucial one in the campaign for equality in the United States.

However, for other groups—Catholics, Jews and people of foreign ancestry, for example—employment discrimination is less of a problem than it is for the Negro, as they are much closer to full equality. But, occupation discrimination is more keenly resented by these groups because it represents almost their sole major grievance, while the Negroes suffer from other forms of discrimination as well.

The social discrimination from which the other minorities may suffer, however much it may affect some individuals, is not of such intensity nor does it cause such resentment that the group as a whole feels strongly compelled to take serious action against it. It is moreover wellnigh impossible to redress all private wrongs by law.

It is apparent then that discrimination is a complex phenomenon requiring a complex solution. Forces at work to end discrimination for one group in one part of the country are often neutralized by other forces at work for a different group or in an another area.

The mere geographic distribution of the affected groups is testimony to this fact. Most of the 25 million Catholics are concentrated in the north-eastern part of the country; about 60 per cent of the 15 million Negroes still live in the Southern states (although this proportion is declining rapidly); about half the Jews live in New York City. People of Mexican origin and descent are concentrated in the South-west; Puerto Ricans are to be found chiefly in New York and other parts of the East while the Orientals live mainly in California and other West Coast areas. The Catholics, Jews, Chinese, Puerto Ricans and northern Negroes inhabit mostly urban areas, the southern Negroes live in rural sections, while the Japanese, Mexicans and Filipinos are about evenly divided between the rural and urban.

This variegated checkerboard of colours, religions and ethnic origins is not merely the result of recent developments; the United States has been heterogeneous from its earliest colonial days. The first white settlers were, themselves, religious minorities, dissenters from the dominant religions in their European home countries. Friction between ethnic groups was manifested early, among the various groups of white settlers themselves, as well as in their relations to the Indians they were displacing and to the Negro slaves they were importing from Africa.

Meanwhile, immigration from Europe continued and increased. Until about the middle of the nineteenth century, most of the newcomers were of English, Scottish, German and Dutch origin. Since they were not too dissimilar in appearance, culture and origin, their differences were composed without much difficulty.

But in the 1840's a new element, the Irish Catholics, arrived, provoking considerable religious and ethnic discrimination, especially as their numbers grew. From about 1880 onwards, during the great period of United States industrial expansion, a huge influx of immigration from Southern and Eastern Europe brought to the New World millions of people who differed markedly from the earlier settlers in religion, appearance and ways of life. They were mostly Roman Catholic, Jewish or Greek Orthodox in religion, and came from Russia, Italy, Poland and other countries close to those, geographically and culturally.

From the Orient, too, in the middle of the nineteenth century came a large group of Chinese who worked on the growing railroads, in the mines and on the farms of the West, causing resentment among labourers who often found themselves displaced because of the willingness of the Chinese to work for much lower wages.

A considerable number of Japanese arrived in 1900 and found employment, for the most part, on West Coast farms. In 1920, Filipinos arrived in substantial numbers. Mexicans arrived in small numbers before World War I and have been entering in larger numbers since. Masses of Puerto Ricans came to the United States, mainly to New York City, after having been granted United States citizenship in 1917; in recent years, still larger numbers of the islanders have migrated to New York City.

A certain amount of local strife, agitation and discrimination has attended the arrival of nearly all these foreign-born groups. Most of them found employment in occupations they had practised in their home countries, or similar work. By and large they were, at first, confined to the jobs that appeared less desirable in an expanding economy. But as time went by the majority of the immigrants and their children found the road to occupational and educational advancement relatively open.

(CONTINUED NEXT PAGE)

TWO OPPOSING TRADITIONS:
Rugged Individualism; Respect for Law

(CONTINUED FROM PREVIOUS PAGE)

This cannot however be said to be true of the Negroes, whose history in this country is unique and unlike that of any other group. Before the Civil War Negro slaves performed the labour of the agricultural South. After the abolition of slavery they continued to work on southern farms as tenants and then as free workers. In the urban areas of the South they were employed as domestic servants and unskilled labourers in mining, the iron and steel industries and tobacco-processing.

During the slavery period, also, a substantial number of free Negroes in the South were employed as skilled workers, mostly in the construction industry. In the period immediately following the Civil War, when Negroes were excluded from many kinds of life and work in the South, they lost their hold on skilled construction jobs. The introduction of new methods in the industry caused the skill of the unemployed quickly to become obsolete. Discrimination by employers and the exclusionist policy of trade unions prevented the Southern Negro from realizing the promises of emancipation.

In the North, at the same time, there were relatively few Negroes, and most of them worked as servants, janitors, porters and labourers. Between 1890 and World War I, a great wave of labour troubles offered the Negroes the opportunity to get jobs in some heavy industries as strike-breakers. The labour shortage of World War I opened up employment to them in iron, steel, meat packing, and the automobile industry.

As can be seen, discrimination in the United States is not a simple, uniform phenomenon. Nor is it possible to obtain absolute agreement on the best means for ending it, even among those most deeply concerned with the problem.

We are primarily interested here in the use of legal means to end discrimination in employment. This does not mean that all concerned believe it the best means for the purpose nor that other methods and agencies have not been tried with considerable success. Thus, to cite only one of scores of organizations, the National Urban League with Negro and white members and branches in cities everywhere in the United States, has done remarkable work in securing for Negroes positions for which they are qualified by education and training. Since the League relies solely on the goodwill of employers, its success shows that compulsions of law are not the only means to effect reduction of discrimination.

Strikes and labour unrest

APART from the work of voluntary organizations and the effect of legal compulsion, the picture of discrimination is constantly being changed and shaken by great social forces—war, strikes, prosperity, depressions, and population changes. The very dynamics of American democracy tend to foster a real equality in order to eliminate internal contradictions. Strikes and labour unrest often open up avenues that were formerly closed to minority groups.

A shortage in any given profession, or an overall labour shortage—as during World War II—often allows new groups into occupations, industries and jobs from which they were formerly excluded. For well over a decade now the United States has been in a period of "full employment" with concomitant benefits and advantages to everyone in a position to put labour power of any kind on the market.

The successful workings of law and legal techniques utilize, and to some degree require, these other factors. The climate of opinion created by private initiative, the needs created by inexorable social and economic trends, are often simply expressed by the enactment of a statute or administrative order. The law in this case tends to accelerate and regulate a change which would come about in any case but in a slower, more haphazard fashion. Where a law is arbitrary, unsuited to the conditions of the period and prevailing opinion, observance is apt to be difficult to obtain.

Law in the United States is of several varieties: the statutes passed by federal, state and local legislatures, and law in the sense of administrative actions and rulings by the government; while, as a result of the commonlaw system and the written Constitution which is interpreted by the highest court in the land, judicial decisions create law too.

Law in the United States, then, emerges as the end result of a great number of pulls and counter-pulls, as the final resolution of the needs, rights, desires and powers of the individual, the community and the central government.

The American system of "checks and balances" has come into being as a result of the desire not to delegate too much to any one branch of government. The Constitution, itself, contains a series of compromises, the most important of which, the distribution of power between the federal and state governments, derives from the desire of the original colonies to retain as much autonomy as possible.

Every citizen of the United States is a citizen not only of the country as a whole but of one of the 48 states. The states have their own judiciary systems; the criminal laws that are most often actually applied are state laws and, in daily life, the American citizen is more likely to come in contact with local than federal authority.

The drafters of the Constitution, influenced by the liberal eighteenth-century belief that the great threat to individual liberty was the central government, specifically enumerated and described federal powers but left the rest, undefined, to the states. The resultant federal-state balance has had profound effects upon the rights of minorities and the political freedoms of the individual.

Rough justice of frontier days

THE first 10 amendments to the Constitution constitute the American "Bill of Rights" which secures the rights of individuals against infringement by the federal government. On the other hand, no power is expressly given to the federal government by the Constitution which would enable it to secure civil liberties and rights against encroachment by private individuals.

These limitations have seriously hampered efforts by the federal government to protect groups whose rights have been jeopardized by state and local governments or by individuals; and while amendments to the Constitution have been passed which enable the national government to protect "minority rights" against violation by states and municipalities, it is still the state and local authorities which exercise the police power that most intimately affects people in their daily lives.

The institutions of the United States, then, reflecting as they do a delicate balance between the national, state, local and private interests, make the uniform solution of the problem of discrimination by legal methods a difficult matter.

Two sharply opposed traditions are at work in the United States to shape individual attitudes towards law and government. There is the tradition of the moving frontier, derived from the period when the boundary of the settled area of American life was constantly moving westward, creating large border areas in which there was only a rudimentary state power. In the rough and tumble atmosphere of new communities in the making, the inhabitants of these areas became accustomed to doing things for themselves, relying upon their own power and initiative instead of the distant authority of a government whose laws and agencies were shaped to the needs of more civilized areas.

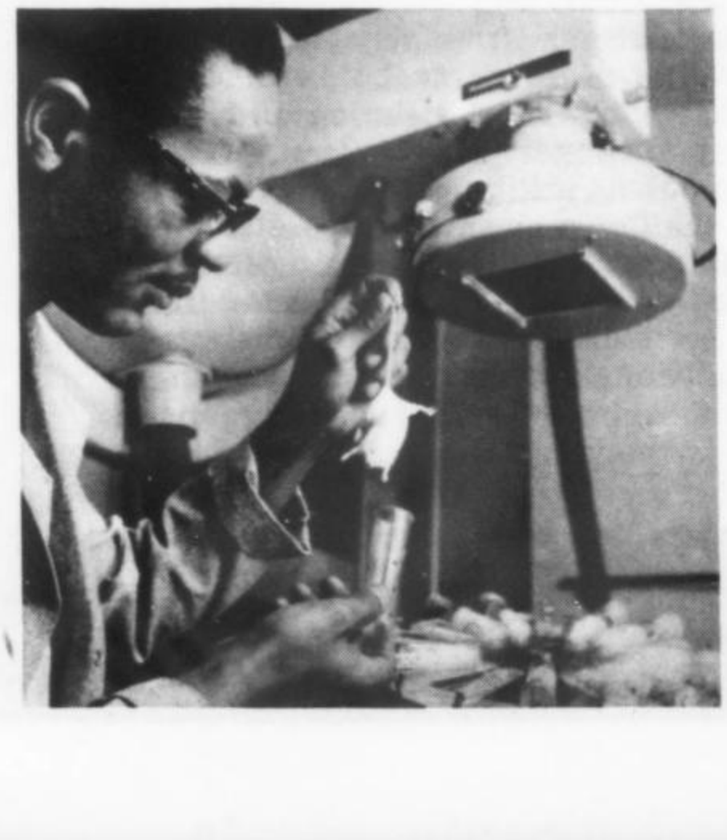
Invasion of 'private' rights

WORKING against the American tradition of "rugged individualism" is the Puritan conception, so powerful in the original colonies and enduring throughout the development of the United States, that all aspects of man's behaviour are amenable to control by law and that men are better off when their lives are so regulated.

These two tendencies of American life, the frontier tradition of individuals taking into their own hands things usually left to law, and the Puritan tradition of legislating on matters usually left to private conscience, often combine to produce a uniquely American phenomenon—the enactment of laws that seem intended as ideals of behaviour rather than regulations to be observed.

To many Americans, even some of those most earnestly against discrimination, government regulation of these matters is regarded as an invasion of the "private" right to choose one's friends, neighbours and business associates and to conduct one's business with a minimum of government interference. On the other hand, the voluntary associations, some wholly and some partly devoted to the elimination of discrimination, have done a vast amount of work in the reduction of prejudice through education and in campaigning for its elimination by legislation.

(Photos Rapho-Black Star and USIS)



EQUAL CHANCES — In 1945 it was New York that became the first state to pass a law outlawing discrimination in employment. Since then 12 states and 30 municipalities have followed suit. Unions have done much to break down colour barriers in industry. Above, a Negro woman presents her views at a factory union meeting. Whether in industry or the professions (like nursing and scientific research work the American Negro is seeking equal opportunity and equal pay.

THE COURT STEPS IN

③

SEAT OF THE GOVERNMENT. — When the French architect Pierre l'Enfant arrived in 1790 to help establish Washington, he at once spotted the logical location for the new "Congress House"—Jenkins Hill, 88 feet above the river. Here, the Capitol, which cost $20,000,000, was built. It is now the home of the House of Representatives, the Senate and various administrative services, which together constitute the Congress.

EARLY in the development of the United States it became established that the Supreme Court, the highest tribunal in the land, had the right and the function of passing upon the constitutionality of federal, state and local legislation. Theoretically, the Court may not pass upon the *wisdom* of such legislation but merely upon the *right*, according to the Constitution and previous judicial decisions, of any law-making body to enact a specific law.

But the broad language of the Constitution and the great variety of "precedents" created by earlier decisions have given the Court considerable freedom in selecting policies it has wanted to advance at the expense of alternatives it has not found attractive. The Court, throughout its long and controversial history, has in fact often been able to impose its own philosophy of government and, by its interpretations, to engage in what is tantamount to the act of legislation.

It is necessary to understand how the Supreme Court has interpreted the Constitution and its amendments, for its decisions have defined the power of the federal and local governments to enact laws and issue regulations protecting the rights of victims of discrimination. In addition, the Court has recently been in the forefront of the trend toward greater protection of civil rights of all kinds, including the right to obtain employment without disadvantage because of race, creed, colour, or ethnic origin.

The decisions of the United States Supreme Court on matters of group relations have varied greatly during the last 100 years. From about 1868, when the Fourteenth Amendment to the Constitution went into effect, until about 1937, the Court usually supported those laws which tended to enforce the separation of Negroes and whites. Concomitantly, it acted in such a way as to weaken the effects of those tending to promote the association of Negroes and whites —except in situations where the superiority of the whites was clearly maintained.

Since 1937, however, the policy of the Court has changed drastically and it has consistently upheld the rights of victims of discrimination. Before 1937 the Court felt it imperative to restrain the legislatures from regulating and limiting the rights of property holders: thus, during the 1920's it blocked legislation on child labour, minimum wages for women, farm problems, and public utility valuation. About 1937, however, the Court elevated the protection of civil rights to a preferred position; since then it has tended to refrain from blocking legislation on economic rights and to restrain legislatures, individuals and groups from unfairly discriminating against "minority" groups.

(Photo Rapho-Black Star)

The new outlook of the tribunal was clearly expressed in 1940 by Associate Justice Hugo L. Black, when he stated for the entire Court : "No higher duty, no more solemn responsibility, rests upon this Court, than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our Constitution—of whatever race, creed or persuation."

Three historic clauses

OF all the provisions of the United States Constitution none has been more significant for the rights of Negroes and other minority groups than the Fourteenth Amendment. This amendment reads: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

Over and over again, in any study of minority problems, mention will be made of the three main clauses of this amendment, the "privileges and immunities" clause, the "due process" clause, and the "equal protection" clause. Endless scrutiny and interminable debates have gone into the attempt to fix the precise meaning and application of the words of the legislators. Various interpretations of these clauses have had through the years a crucial impact on the welfare of minorities in the United States.

In 1873, in the very first case under the Fourteenth Amendment to reach it, the Supreme Court laid the basis for a lengthy series of decisions which weakened the force of its provisions. In its final opinion, the Court established a distinction between the rights of an individual as a citizen of the United States and the rights of an individual as a citizen of the state in which he or she resides. The privileges and immunities clause, it ruled, protects only federal rights from hostile state action.

Privileges violated

FROM that time onward, the Court refused to consider the civil rights of "minority" groups as rights which they had by virtue of their United States citizenship; such rights, the Court stated or implied, were enjoyed by virtue of state citizenship and hence were not affected by the Fourteenth Amendment. In 1935, however, the Court for the first time invalidated a state law on the ground that it violated the privileges and immunities clause. But five years later the Court flatly reversed its position, and thus made the clause virtually inoperative again.

The "due process" clause has, likewise, been the subject of changing interpretations in a changing world. Although "due process of law" originally meant a fair hearing by a properly constituted authority in criminal and civil cases, in 1890 the Court began to invoke it to invalidate legislation which it held to be unreasonable.

For many years the Court protected property rights by means of this clause, but restricted the federal government's power to use it for the protection of the rights of accused persons against various forms of state action. Then, in 1925, it accepted the notion that the "due process" clause of the Fourteenth Amendment forbids the state governments to do what the First Amendment (1) forbids the United States Government to do.

Thus, in piecemeal fashion, the Court's interpretation of the Fourteenth Amendment has extended the scope of the Bill of Rights until it now serves as a means of protection not only against the actions of the federal goverment but those of the 48 state governments as well. This extension has meant a great deal, particularly to Negroes, who have always found state legislation and state authority more oppressive than federal law and authority. In 1945 the Court took an important step in this direction when it upheld the constitutionality of a federal law (originating as far back as 1866) which has since served to deter state and local officials from depriving Negroes accused of a crime of the protection to which they are entitled.

The third of the clauses in the Fourteenth Amendment, the "equal protection" clause, has been the chief constitutional source for the protection of the rights of minorities. Its scope was considerably limited only a few years after it came into being, when, in 1883, the Court held that the Fourteenth Amendment restricted only the state governments, and not private citizens, from discriminating. This interpretation still stands.

Birth of a doctrine

IN 1896 the Court upheld a state law requiring separate but equal accommodations for Negroes and whites on railroads moving within the borders of Louisiana. In deciding this case, (Plessy v. Ferguson) the Court stated the famous "separate but equal" doctrine, which inaugurated a new epoch in United States group relations, in the following words :

"A statute which implies merely a legal distinction between the white and coloured races — a distinction which is founded in the colour of the two races, and which must always exist so long as white men are distinguished from the other race by colour — has no tendency to destroy the legal equality of the two races, or re-establish a state of involuntary servitude."

True, the Court insisted, in cases it decided later, upon adherence to this "separate but equal" rule but with only moderate practical consequences. Thus, despite the Fourteenth Amendment, which forbids the states to "deny to any person within its jurisdiction the equal protection of the laws," Negroes have in fact enjoyed separate but far from equal facilities in the Southern

(1) "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

(Acme)

THE HIGHEST JUDICIAL BODY — The drafters of the Constitution of the United States divided federal power into three parts to form a system of checks and balances — executive, legislative and judicial. The executive is the White House, that is, the President and the government ministers; the legislative is the Congress and the highest judicial body is the Supreme Court. Originally the Court sat in the same building as Congress, but since 1935 it has had its own white marble home on Capitol Hill.

THE COURT STEPS IN

(Continued)

states. But, even under the "separate but equal" doctrine, Negroes have been able to win rulings that materially weakened the entire system of colour segregation in the United States.

A costly business

THESE gains have been made in two ways. First, the Court has adopted a progressively stringent interpretation of what "equal facilities" means, thus making segregation more costly and cumbersome than ever. As a result of a series of cases involving discrimination in education, there are, today, thousands of Negroes attending unsegregated, state-supported institutions of higher learning in the South, whereas there were none a decade or so ago. Similar, although less spectacular, gains have been made in the effort to eliminate discrimination and segregation in transportation facilities, mainly through decisions that interpret broadly the power of Congress to regulate interstate commerce.

The second way in which the Supreme Court has weakened the legal basis of discrimination and segregation has been by a broadening interpretation of what constitutes action by the state and by state and local officials falling under the purview of the United States Constitution and certain federal laws. In this way Negroes have been able to advance their rights to be considered for membership of juries and, if under trial, to be judged by a jury from which none has been excluded because of race or colour. They have also been able to strengthen their vote in the Southern primary elections, where the right to vote counts most.

After many years of seeking to weaken discrimination and segregation by securing Supreme Court decisions of these two types, a few years ago the leaders in this struggle adopted a new plan — they began to challenge the "separate but equal" doctrine directly.

20th century trends

BY and large, the history of the Supreme Court decisions has run parallel to the development of the American nation, influencing and being influenced by new trends in an evolving society. In the great nineteenth century period of commercial and industrial expansion, its decisions seemed to place the greatest emphasis on the protection of individual economic rights against government interference. In the twentieth century, when local events often have nation-wide consequences and individual and national welfare are more closely bound, its interpretations have tended to support those seeking to reduce discrimination and segregation. Recent Supreme Court decisions have thus set the stage for major advances in the protection of civil rights, while its hearings and opinions have served to educate the public and clarify the complex issues involved in the problem.

(Photos USIS)

The decision was unanimous:

'EQUAL BUT SEPARATE SIGNIFIES UNEQUAL'

by Dr. Murray S. Stedman Jr.

Professor of Political Science, Swarthmore College, Pennsylvania

On Monday, May 17, 1954, the Supreme Court of the United States issued a historic decision which proclaimed that racial segregation in schools supported by public funds was a violation of the American Constitution. In the two decisions the Court handed down it thus gave a dramatic demonstration of its power to review the constitutionality of laws.

Under the system of government in existence in the United States of America, power to govern is derived from the Federal Constitution, drafted in 1787. Both federal and state laws, as well as state constitutions, must be in accord with the Federal Constitution.

In case of dispute as to the applicability of portions of the Constitution, the United States Supreme Court is the final arbiter. A law, or a section of a law, found by that Court to be at variance with the Constitution ceases to be enforceable. In actual fact, the Supreme Court finds very few laws, in whole or in part, to be unconstitutional. But, since the decisions of the Court, unless it subsequently reverses itself, are final, those decisions become binding on all lesser courts, both federal and state.

The May 17 ruling affected public schools in one-third of the 48 American states and also public schools in the District of Columbia (where the city of Washington is located), an area governed under federal law.

Its guiding principle

As of May 1954 a total of 17 states and the District of Columbia required that Negro and white children attend public schools set apart for each race. Four states provided that segregation could be adopted by local option. Of this group of states, one, Wyoming, never exercized the option. In some 16 states segregation in public schools was prohibited by law. In the remaining 11 states no specific legislation on segregation existed. In the areas of segregated schools are some 8.1 million white and some 2.5 million Negro pupils.

In the two decisions rendered on May 17, the Court first announced its guiding principle in a consolidated decision involving public schools in four states. In the second decision, the Court then applied this principle to public education in the District of Columbia.

In the United States there is no ministry of education and public education in the states is a function of state government. In the exceptional case of the District of Columbia, which is not a state, public education is handled through a school board deriving its powers from acts of Congress. Hence, it was the first decision, involving the powers of the states, which attracted the bulk of attention.

From four states

The consolidated decision concerned cases originating in the states of Kansas, South Carolina, Virginia and Delaware. In each case, according to the Court, "minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a non-segregated basis. In each instance, they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race." Because a common legal principle bound the cases, they were considered together.

It was alleged by the lawyers for the Negro pupils that segregation was unconstitutional, on the ground that it deprived such children of the equal protection of the laws under the Fourteenth Amendment one clause of which prohibits any state from denying "to any person within its jurisdiction the equal protection of the laws."

In the first case decided by the Supreme Court construing the 14th Amendment, it was held that the Amendment prohibited all state-imposed discriminations against the Negro race. However, as seen in the previous article, in 1896, in its decision in the case of *Plessy v. Ferguson*, involving not education but transportation, the Court evolved the "separate but equal" doctrine. Under this doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. Segregation in railroad transportation, as provided for in the Louisiana statute whose constitutionality had been challenged, was thus upheld.

(CONTINUED ON NEXT PAGE)

LONGER TO LIVE AND MORE TO LIVE FOR

The life expectancy of this little Negro boy has gone up from 47 years in 1920 to 60 today. In the same period, the white's life expectancy has risen more slowly, from 56 to 66 years. With greatly improved standard of living and medical care, the gap between the white man's and the Negro's life span is closing. The photograph, left, was taken in 1937 and shows an old Negro couple who were slaves in the early part of their childhood.

'The Honora

THE NINE MEMBERS of the United States Supreme Cort who
Associate Justices Felix Frankfurter and Hugo Black; Chie Justice
liam O. Douglas. Standing: Associate Justices Tom Clk, Rob

"EQUAL BUT SEPARATE SIGNIFIES UNEQUAL". *(Cont'd)*

Between the time of the Plessy case and the 1954 decision, the Court heard six cases involving the "separate but equal" doctrine in the field of public education. In most of the recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. The questions as to whether the Plessy doctrine was applicable to public education was not at issue, merely the question of inequality of facilities.

In the four cases about which the consolidated decision was given on May 17, the facilities offered students of both races were found to have been equalized or in the process of being equalized. Hence, the problem faced by the Court was the practice of segregation as such. In the words of the Chief Justice, Mr. Earl Warren, speaking for the Court : "We must look instead to the effect of segregation itself on public education."

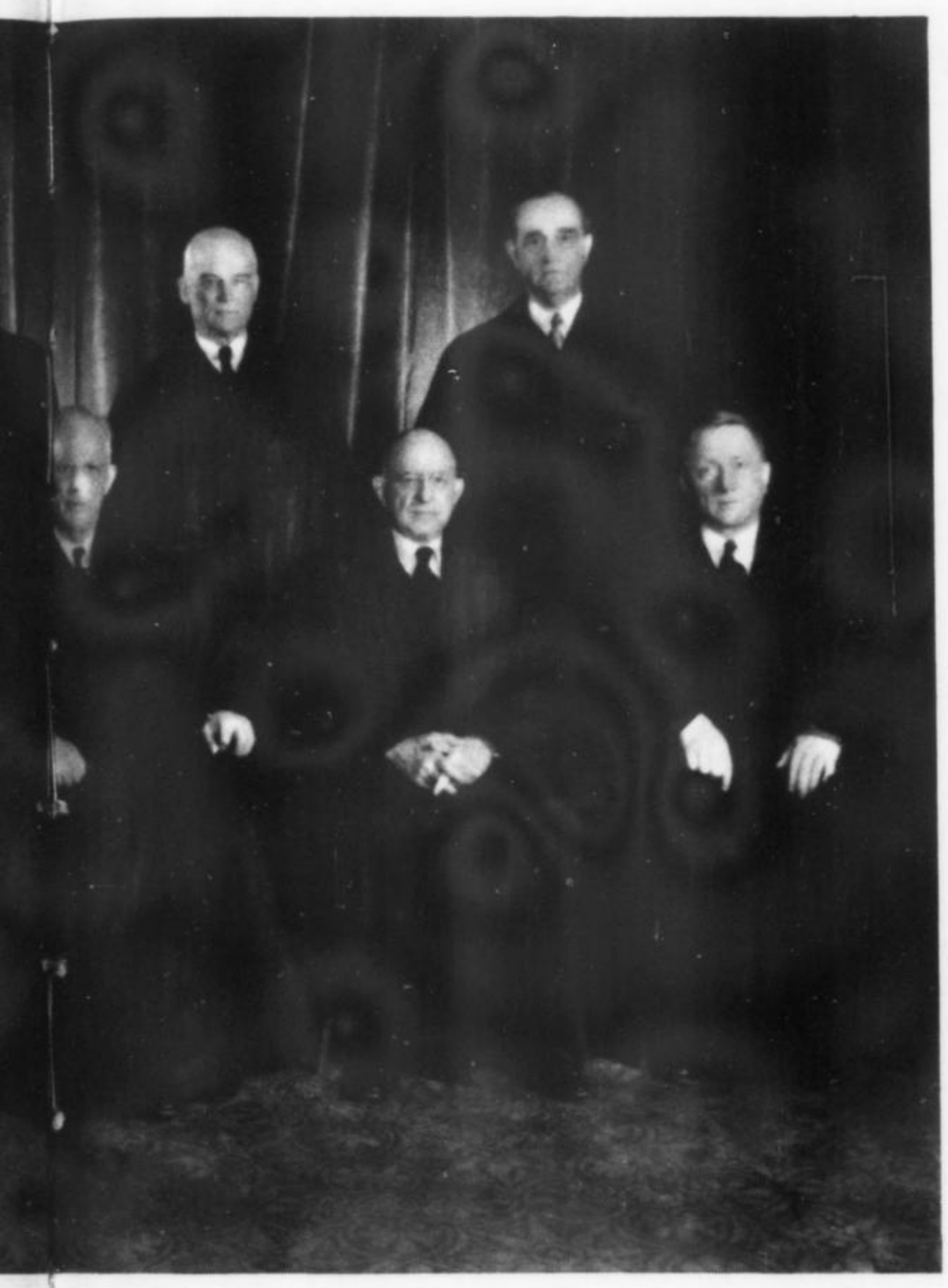
That the Court deliberated a great deal is apparent from the record. The cases first reached the Court on appeal in 1952. Arguments were made on December 9-10 of that year, but the Court ordered reargument and heard the cases again on December 7-8, 1953. Reargument was heard in the spring of 1954 on certain questions propounded to counsel by the Court.

In reaching its decision, the Court noted the overwhelming importance of education as the foundation of good citizenship, and concluded that education is the principal instrument in preparing a child for later life. This being so, if a state provides free education, it must be available to all on equal terms. The Court then stated: "We come then to the question presented: Does segregation of children in the public schools on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities." Answering its own question, the Court unanimously declared: "We believe that it does."

In support of this view, the Court relied heavily upon the findings of modern psychological knowledge, citing various authorities. The Court accorded more weight to modern scientific findings that it did to the historical circumstances surrounding the adoption of the 14th Amendment, since, in its view, the latter approach led to inconclusive results.

The Court found it unneccessary to inquire as to whether segregation was prohibited in state public schools on the

rable, the Supreme Court'



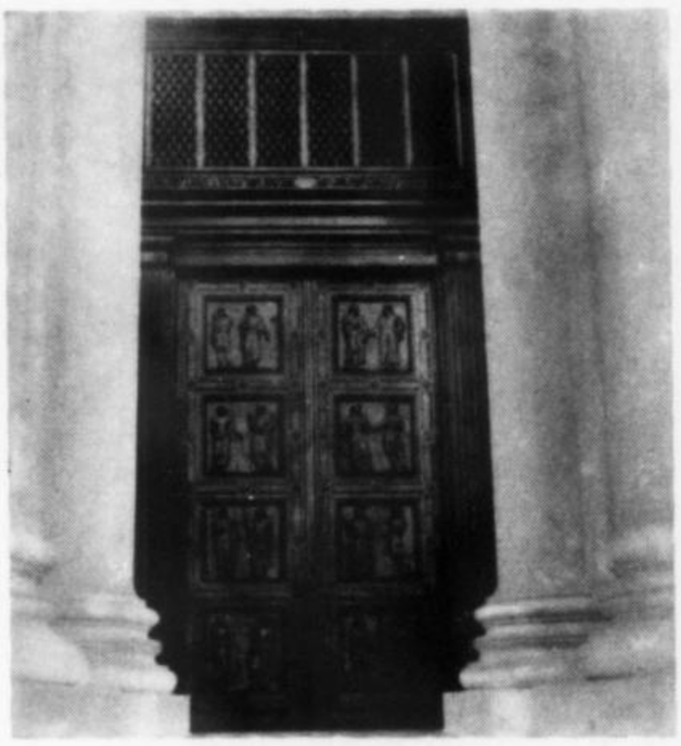
e Cort who made the unanimous decision of May 17. Left to right, seated : Chie Justice Earl Warren; and Associate Justices Stanley Reed and Wil- Clk, Robert, H. Jackson, Harold H. Burton and Sherman Minton.

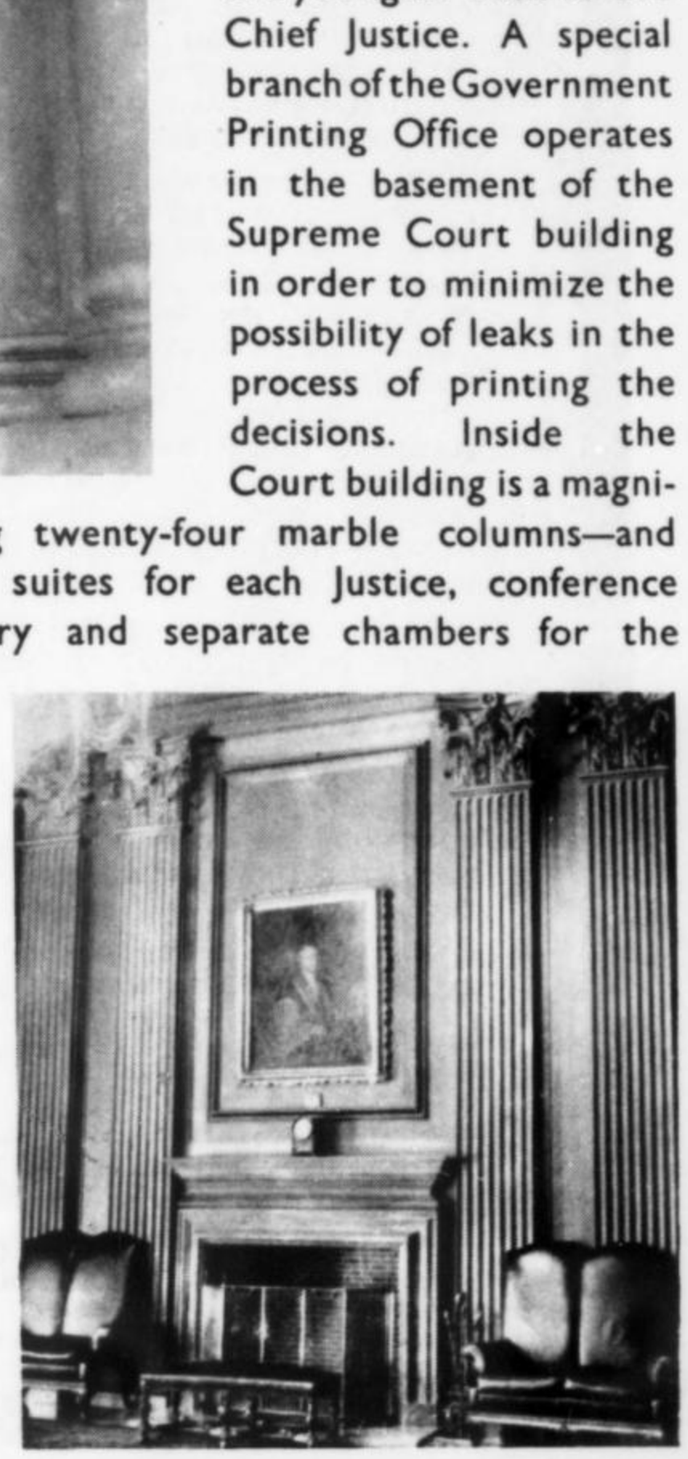
basis of the due process clause of the 14th Amendment. But in its second decision, involving segregation in the District of Columbia, the Court found that the due process clause of the 5th Amendment (an Amendment which imposes restrictions upon the Federal Government) was relevant. Referring to its earlier decision on state public schools, the Court asserted:

"In view of our decision that the Constitution prohibits the states from maintaining racially segregated public schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government. We hold that racial segregation in the public schools of the District of Columbia is a denial of the due process of law guaranteed by the Fifth Amendment to the Constitution." As in the state case, the decision of the Court was unanimous.

Clearly recognizing that the implementation of its decisions would create complexities, the Court requested the assistance of all parties for further argument at its fall term. The Attorneys-General of the states requiring or permitting segregation in the public schools were invited to appear as amici curiae, as was the Attorney-General of the United States. The Court particularly invited argument as to its own equity powers, and also to the procedure to be followed in the formulating of any decrees.

The United States Constitution contains provisions calculated to ensure the Supreme Court's independence of the President and Congress. The Justices are appointed for life and Congress cannot reduce the pay of a Justice while he is in office. However, Congress has the right to determine the number of Justices and the President the authority to appoint them. The Court's decisions are kept secret—even from the President—until they have been read at a public hearing. "Opinion Day"—when the Court announces its verdict—is always a Monday, the decision having been reached the previous Saturday, when the Justices vote on the case in reverse order of seniority—from the youngest back to the Chief Justice. A special branch of the Government Printing Office operates in the basement of the Supreme Court building in order to minimize the possibility of leaks in the process of printing the decisions. Inside the Court building is a magnificent courtroom featuring twenty-four marble columns—and bad acoustics. There are suites for each Justice, conference and robing rooms, a library and separate chambers for the clerks, lawyers, marshals and the Attorney-General of the United States. The Justices have private dining facilities as well as private elevators. The chairs where the nine black-robed Justices sit behind their high bench partly symbolize the independence which each may assert, being of assorted shapes and sizes and chosen personally (although all are upholstered in black).





THE WORDS OF A MOMENTOUS DECISION

THE following are the principal passages from the decision of the U.S. Supreme Court, on racial segregation in state-supported primary and secondary schools in the United States :

"... Minors of the Negro race, through their legal representative, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race.

"This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment.

"In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called "separate but equal' doctrine announced by this court in Plessy v. Ferguson.

"Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate.

"In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to Negro schools. The plaintiffs contend that segregated public schools are not 'equal' and cannot be made 'equal', and that hence, they are deprived of the equal protection of the laws."

Examining the circumstances surrounding the adoption of the 14th Amendment in 1868 and public education at the time, the Court found them inconclusive for resolving the problem.

"In the South, the movement toward free common schools, supported by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost non-existent and practically all of the race was illiterate. In fact, any education of Negroes was forbidden by law in some states. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences as well as in the business and professional world... Even in the North... compulsory school attendance was virtually unknown.

"As a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on public education.

"In the first cases in this Court construing the Fourteenth Amendment, decided shortly after its adoption, the Court interpreted it as proscribing all state-imposed discriminations against the Negro race.

"The doctrine of 'Separate but Equal' did not make its appearance in this court until 1896 in the case of Plessy v. Ferguson involving not education but transportation.

"American courts have since laboured with the doctrine for over half a century. In this Court, there have been six cases involving the 'Separate but Equal' doctrine in the field of public education...

"The validity of the doctrine itself was not challenged. In most recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications.

"In nine of these cases it was necessary to reexamine the doctrine to grant relief to the Negro plaintiff. And in Sweatt v. Painter, the Court expressly reserved decision on the question whether Plessy v. Ferguson should be held in application in public education.

"In the instant cases, that question is directly presented. Here, unlike Sweatt v. Painter, there are findings that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other 'tangible' factors.

"Our decision, therefore, cannot turn on merely a comparison of these tangible factors... We must look instead to the effect of segregation itself on public education...

"We cannot turn the clock back to 1868, when the Amendment was adopted, or even to 1896, when Plessy v. Ferguson was written. We must consider public education in the light of its full development and its present place in American life throughout the nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

"Today education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship.

"Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

"We come then to the question presented; does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities ? We believe that it does.

"In Sweatt v. Painter, the Court in finding that a segregated law school for Negroes could not provide them equal educational opportunities, relied in large part on those qualities which are incapable of objective measurement but which make for greatness in a law school.

In a second case (McLauren v. Oklahoma State Regents) the decision states: "the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: 'his ability to study, to engage in dis- *(Continued on page 23)*

And the Doors Shall Open

Today over 128,000 Negroes are attending colleges or universities in the U.S.A. More than half are students in Negro institutions such as Fisk University at Nashville, Tennessee (inset) where whites were also admitted even before the Supreme Court decision on segregation. In the North and West the typical practice is to admit Negroes to all higher institutions. In the South, the battle against segregation in graduate and professional schools is practically won. Even before segregation in public schools was outlawed, Negro children, like the boy above, were attending elementary and secondary school classes in two Southern states (Delaware and Kansas), and in June, St. Louis, Missouri announced that it will end bias in public high schools next February, and in all elementary schools by September 1955.

SEEN HERE LEAVING the U.S. Supreme Court, is Thurgood Marshall Special Counsel of the NAACP (National Association for the Advancement of Colored People). The small team of Negro lawyers which he heads—the legal department of the NAACP—is concerned with the protection of the legal rights of more than 15,000,000 American Negroes. This makes it probably the world's biggest law firm, with the difference that it operates not for profit but for principle. Photo, below, shows Thurgood Marshall conferring with NAACP leaders in New York. (Photos copyright; published by courtesy of "Ebony" magazine, Chicago.)

(Photos courtesy 'Ebony')

THE GREAT TEST OF 'CIVIL RIGHTS'

by Thurgood Marshall

Special Counsel, National Association for the Advancement of Colored People.

THE recent decisions of the United States Supreme Court outlawing racial segregation in public schools have finally settled the question as to whether segregation *per se* is a form of discrimination which is inhibited by our fundamental law. These decisions also demonstrate that one's *right* to be free from distinctions based upon race can come only from the law. They finally show that some laws do not give this freedom. This brings us to a consideration of the distinction between the adjudicative and legislative processes.

Adjudication is the function of courts. It decides and enforces individual liabilities as they stand on the basis of existing facts and under existing law. On the other hand, legislation is rule-making. It creates a right, duty or status directed toward the correction of a situation rather than particular persons and is independent of the existence of any previous right, duty or status. Therefore, adjudication may be called antidotal law, a remedy for counteracting injurious effects, whereas legislation is prophylactic law, a means of preventing an anticipated harmful effect.

In the combat against racial discrimination, we cannot afford to ignore the importance of resort to the legislative process. Historically, the earliest blows delivered against racialism in America were legislative

THE WORDS OF A MOMENTOUS DECISION

(Cont'd from page 20)

cussions and exchange views with other students and in general to learn his profession.'

"Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

"The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

"Segregation of white and coloured children in public schools has a detrimental effect upon the coloured children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated schools system.'

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment..."

enactments. For example, in 1777 and 1846 Vermont and Rhode Island, respectively passed laws forbidding slavery in their lands. In 1855, Massachusetts prohibited racial segregation in its school systems. The Thirteenth, Fourteenth and Fifteenth Amendments to the Federal Constitution are also a species of legislation: and, of course they were intended to forbid states to indulge in racial discrimination. Furthermore, federal statutes were enacted in 1870 and 1875 to implement these Amendments.

Although this federal legislation did not survive the test of judicial challenge, it pointed the way for states to breathe life into the Civil War Amendments. The states responded with a flurry of legislation designed to prohibit racial discrimination in many walks of life. After the turn of this century, there was little activity on the part of the states and none by the federal government other than a codification of the remanants of the Civil Rights Act of 1870. But a resurgence of activity in this area has developed in the states in the past decade.

A brief review of existing laws against discrimination reveals that only 17 states and the District of Columbia have not changed their laws sanctioning racial discrimination in public schools. Thus a majority of 31 states have passed acts which have either expressly barred this type of discrimination or acts which have been interpreted to effect this result. Significantly, five states have extended the coverage of their laws to prohibit private schools from practising racial discrimination.

In the field of public employment, the federal government and fifteen states have enacted legislation banning discriminatory hiring practices in the agencies and operations controlled by them. Eight states have required that both governmental and private employers cease racial discrimination in their establishments; and penalties have been provided to enforce these laws. Four other states have passed similar laws but without enforcement provisions. At the municipal level, some 29 cities have also passed fair employment practices ordinances. It is of some interest to point out that only four of these cities are located in states with state laws enforcing non-discrimination in employment. Three more cities have forbidden race distinctions to be made in public employment.

So-called "civil rights" laws have been passed and are being enforced in 19 states and the District of Columbia. These laws generally forbid racial discrimination or any denial of full and equal enjoyment of public accommodations (e.g. hotels, restaurants, etc.), places of public amusement (theatres, amusement parks, etc.) and vehicles of public transportation.

What does all of this mean? First, each of these laws prohibiting racial discrimination represents a definitive statement of governmental policy as well as a standard for future conduct. They have notified the persons subject to their jurisdiction that individual prejudice must be lost in the quantum of the greater good. Such legislation also provides for legal protection which minority groups need in a society where there is government by majority rule. Furthermore, the educational effect of laws prohibiting discrimination should not be minimized. In this respect, the legislative process can promote an individual's understanding of himself, his fellow man, and the dynamics of the democratic way of life.

While there is much to be done even after laws are passed, the setting down in print of a law which implements or expands the principle that our Constitution is colour blind is a tremendously vital step. Of course, anyone can validly comment that legislation does not extract the roots of prejudice and intolerance. These are personal conquests. Neither will legislation completely prevent all outcroppings of discrimination in the specific situations which it seeks to correct. But it does create new rights, duties and status which are consistent with, rather than in derogation of, the cherished aims of the democratic creed "all men are free and equal in the eyes of the law". For these reasons, therefore, we must develop both preventive and corrective measures to stamp out racialism in our land.

ONE OF 1,629 NAACP LOCAL U.S. BRANCHES. — Legal action undertaken by the National Association for the Advancement of Colored People is financed by contributions from sympathetic individuals and organizations as well as from the Association's 1,629 city and county branches spread across 44 States. This is the entrance of one local NAACP branch in New York.

SOCIAL SCIENCE AND SEGREGATION

by Otto Klineberg

SIGNIFICANT social changes are usually the result of many different factors acting in combination, and the historic United States Supreme Court decision on segregation is no exception to this rule. The heightened social conscience of the American people, in the South as well as in the North; the greater awareness of the meaning of a democratic tradition which in many parts of the world has been under attack; the precedents set through desegregation in a number of universities; the skill with which the legal case was prepared; the tremendous progress made by Negroes themselves — all these, and other causes as well, contributed to the end result.

There is one aspect of the decision, however, which has not always been recognized and which has far-reaching implications, namely, the role played by the social scientist.

Throughout all the legal developments which paved the way for the final outcome, the National Association for the Advancement of Colored People, which conducted the case against segregation, called in social scientists as consultants, to give advice regarding the present scientific position on the issues being debated, as well as the manner in which that position might best be integrated into the legal argument. In all the cases heard in the lower courts, social scientists — psychologists, sociologists, anthropologists—and educators were called in as witnesses.

As an appendix to the brief presented to the Supreme Court by the NAACP counsel, there was filed a social science statement entitled "The Effects of Segregation and the Consequences of Desegregation", signed by thirty-two American social scientists including many distinguished names, representing various disciplines and institutions. It was described as "a consensus of social scientists with respect to the issue presented in these appeals". Its contents form the basis of many of the questions to which the Supreme Court Justices addressed themselves during the final hearings.

Its conclusions are devastating to the doctrine, previously maintained, that separate *but equal* educational facilities for Negro children are in fact compatible with the American Constitution.

In essence the Statement insists that enforced segregation is a symbol of inferiority, and that children who are regarded by others, and consequently come to regard themselves, as inferior, are severely handicapped in their personal and intellectual development. It is pointed out, for example, on the basis of a number of important scientific studies, that "minority group children of all social and economic classes often react with a generally defeatist attitude and a lowering of personal ambitions. This, for example, is reflected in a lowering of pupil morale and a depression of the educational aspiration level among minority group children in segregated schools. In producing such effects, segregated schools impair the ability of the child to profit from the educational opportunities provided him."

Harmful effects on all children

A questionnaire sent to a large number of American social scientists inquiring into their views concerning the probable effects of enforced segregation under conditions of equal facilities, indicated that 90 % of them felt that "enforced segregation is psychologically detrimental to the members of the segregated group." More than 80 % were of the opinion that enforced segregation was detrimental to the *majority* group members as well.

Children of the majority group gain status not always in terms of personal ability and achievement, but through the unrealistic conviction that they are superior because of their physical appearance or racial origin.

Predictions of violence unfounded

The Statement also disposes of the question as to whether there are inherited differences in the abilities of Negroes and Whites which would justify educational separation of the two racial groups. After a brief review of the relevant evidence, the conclusion is reached that "fears based on the assumption of innate racial differences in intelligence are not well founded." The writer might add that he himself gave testimony to this effect in one of the cases heard in the lower courts, and his conclusions were not challenged by the attorneys for the state concerned.

Attention is given to the question of the probable effects of desegregation, since it has often been predicted that this would have dire consequences even leading to violence and bloodshed. In this connection an imposing array of evidence is available which indicates that the process of desegregation can and usually does occur without such unfavourable consequences. The admission of Negroes to a number of southern universities, for example, took place much more smoothly and uneventfully than many people had anticipated.

The Statement rightly points out that the "most direct evidence available on this problem comes from observations and systematic study of instances in which desegregation has occurred. Comprehensive reviews of such instances clearly establish the fact that desegregation has been carried out successfully in a variety of situations although outbreaks of violence had been commonly predicted. Extensive desegregation has taken place without major incidents in the armed services of both Northern and Southern installations and involving officers and enlisted men from all parts of the country, including the South. Similar changes have been noted in housing and industry."

Apparently many people believe that *somebody else* will start the rioting. even though they themselves are prepared to accept the new situation. There will of course be difficulties in the way of further desegregation, but previous experience indicates that they can be surmounted.

It is not easy to determine just how large a part this Statement, as well as the continuing consultations between NAACP counsel and American social scientists, played in the final outcome. Possibly the Supreme Court would have reached the same conclusion in any case. It is significant, however, that the actual decision as handed down refers explicitly to recent progress in the field of psychology, and particularly to what is now known regarding the harmful effects of feelings of inferiority on the personal and social development of children.

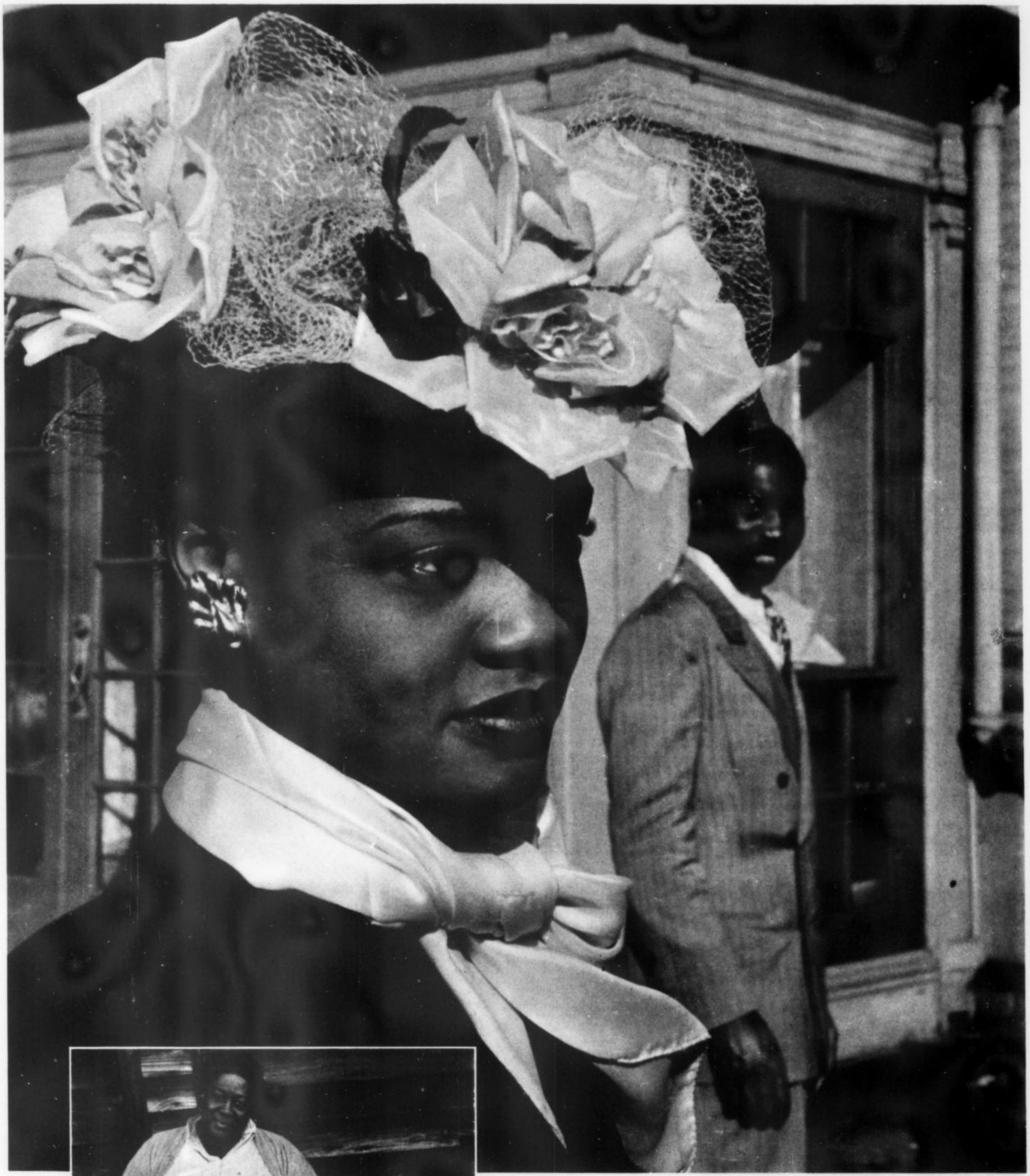
Thus, a far-reaching change in human relations, which will affect the whole pattern of democratic existence in the United States, with possible repercussions on other parts of the world as well, has been set in motion *at least in part* through progress in the social sciences.

Some years ago Gunnar Myrdal in his *An American Dilemma* called for an "educational offensive" to reduce the gap between public opinion and social science in the whole area of race relations.

Unesco, through the work it has undertaken on race problems, has been actively engaged in such an "offensive"; so have many individual social scientists in many parts of the world. The gap has been greatly reduced, and the conclusions of the social scientists now find much wider acceptance.

The Supreme Court decision represents the most spectacular and convincing example of the part which science can play in contributing to human progress.

Dr. Klineberg, *Professor of Psychology, Columbia University, and a member of Unesco's Social Sciences Department, has devoted much of his life to a study of the Negro problem. He is the author of several books on the subject including* Race Differences, Negro Intelligence and Selective Migration, *and* Characteristics of the American Negro.



Magnum Photos. Cartier-Bresson.

NEGRO WOMEN OUTNUMBER THE MEN

Between 1890 and 1950, the Negro population in the U. S. rose from 7,500,000 to over 15,000,000. From 1940 to 1950 there was a great shift away from the South to industrial and urban areas in the North and West, but some 60 % of American Negroes still live in the South today. Since the Civil War, Negro women have outnumbered male Negroes and this difference has recently increased still more. It is only since 1950 that statistics showed more white women than white men. On the average Negro households are somewhat larger than white households in all regions. In nearly one out of four Negro families in the U. S. a woman is the head. The Negro "granny" wields strong authority in many rural families.

Going to school with the Negro

As long as he was ignorant and illiterate, the American Negro could not hope to qualify for the better jobs. Today, more Negroes are going to schools and colleges than ever before. Above, a Negro student—one of the 130,000 enrolled in U.S. universities and colleges—receives his diploma. Right, students on Howard University campus in Washington, D.C., one of the great Negro universities in America, joke with a class president candidate. Below, white and Negro youngsters in New York City enjoy school puppet show. (Photos USIS and Black Star).

"FEW people who were not right in the midst of the scenes can form an exact idea of the intense desire which the people of my race showed for an education. It was a whole race trying to go to school. Few were too young and none were too old to make the attempt to learn."

Booker T. Washington, the great American Negro teacher who was born a slave, wrote these words half a century ago in his powerful autobiography, "Up From Slavery" in describing the fever for education which gripped the newly-freed Negro slaves in the United States.

The Negro has travelled a long road since he was brought to the American continent in chains, and education is perhaps the most significant index of the American Negro's over-all progress.

As long as he was ignorant and illiterate, the Negro could not hope to qualify for the better jobs; without the improved income from better jobs he was unable to afford better housing; and with poor housing, disease, crime and discouragement often go together.

Education enabled the Negro to speak up for his rights, to increase his own

self-respect, bring prestige to his community, and develop relationships of real friendship with his white neighbours. Most of all, it permitted him to achieve a true cultural status and a sense of social responsibility.

Professor Harry J. Walker of Howard University, Washington, in a study under preparation for Unesco on changes in the status of the Negro in American society, writes: "Although the provision of education for Negroes has been inadequate, it has been a means of bringing Negroes into wider contact with the larger world, and thus has contributed to their desire for equality in American society."

Literacy in 1865 : 5 %

At the end of the Civil War, Negro literacy stood barely at five per cent. In 1900, thirty-five years later, it had risen to 55.5 per cent; in 1950, over 90 per cent out of a total Negro population of 14,894,000 was literate. Today, illiteracy has been all but ended among Negroes between the ages of 14 and 24.

Formal education for Negroes did not really begin until the Civil War And though facilities existed in a few Northern cities before the War, there were laws prohibiting the instruction of Negroes in Southern states where slavery existed.

After the War between the States, thousands of missionary schools were opened for ex-slaves in the South and state legislatures began public education systems for both white and Negro children. For a short period, in certain towns in Louisiana and South Carolina, schools were available for white and Negro children to attend class together.

But since opposition to Negro education had existed all during the slave period and because of the acute racial tension at this time (about 1876), whites generally boycotted these schools. This, added to some instances of violence, resulted in the establishment of separate schools.

For the Southern Negro, then, segregation came with the first schools he knew, and this was hardly surprising for the time, since he lived in a wholly segregated society. A similar, if less dramatic social process was going on in other parts of the nation in the post-Civil War years. Negroes concentrated in sizeable numbers in the non-South ran into social and economic pressures which forced them to live apart from the white community.

If the South did little to provide an education for Negroes in these post-war years, it did little more for the whites. The industrial revolution which was transforming the North and the newly-opened West, completely by-passed the South which remained agricultural and extremely poverty-stricken. By 1900, only one Southern state—Kentucky—had made school attendance compulsory and less than 40 per cent of all children of school age attended school regularly. Over 11 per cent of the whites were illiterate.

At the beginning of the 20th century, public education generally in the South received a strong impetus as the region began to move toward industrialization. Negro education also profited, though by any measurement it still lagged far behind white education. In 1933 for example, over 200 state counties in the South still had no Negro high schools at all. The number of Southern Negro high schools, it is true, had risen from 67 in 1916 to 1,860 in 1928 with a correspondingly sharp increase in enrollment. Except in rare instances, the Negro rural schools which then served two-thirds of the South's Negro children — had never reached even the minimum standards, and half were primitive one-room frame structures.

Demand for equality grows

Many Negro leaders of the 1920s and 30s condemned the post-Reconstruction spokesmen of their race as too conservative. Yet significant progress was made in the period which was symbolized by the statesmanship of Booker T. Washington. Washington argued for the advancement of Negro education but avoided any attack on segregation in the schools. Shortly before his death in 1915, however, he raised his voice against segregation laws as unjust, unnecessary and harmful to both races in the long run. His earlier moderate philosophy prevailed in the South until the 1930s.

The thirties saw a great change take place in the popular conception of the role of government in the life of the community. It saw the growing insistence on the part of Negroes for equality of treatment and the development of public opinion favourable to the extension of minority rights.

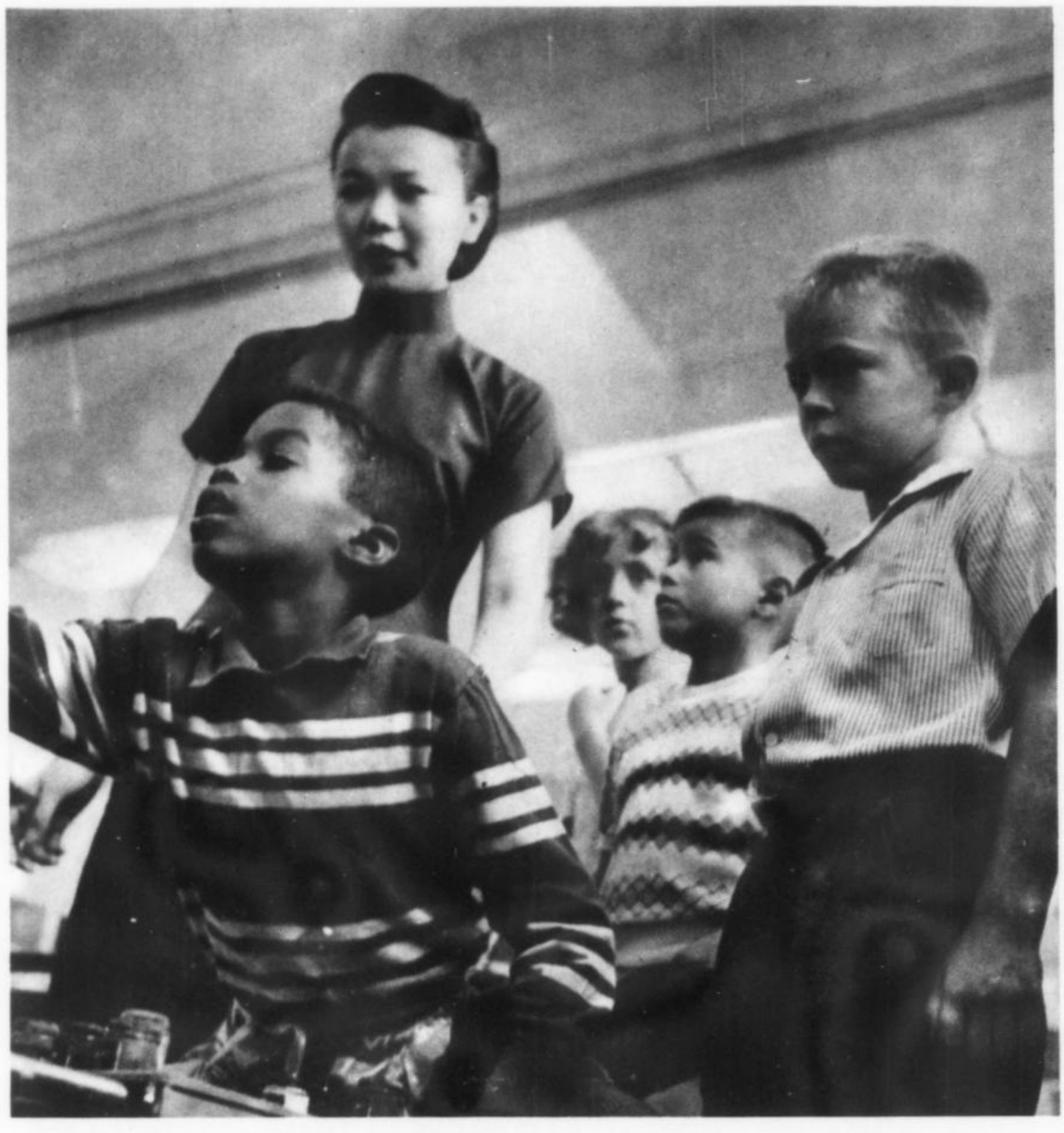
In the South, liberal white leaders of standing began to question the old notion that Negroes were entitled to no more than a limited education. They did not challenge the dual school system itself ; instead they advocated that the word "equal" in the Plessy doctrine of "separate but equal" formulated by the Supreme Court in 1896, be made a greater reality as regards Negro education. A school of "gradualism" arose for the equalization of Negro schools with those of whites so that the Negro could ultimately achieve the full status of citizenship.

This liberal point of view gained considerable ground and led in effect to a reduction of a great number of inequalities in the schooling available to Negroes as compared to whites. Negro teachers' salaries were raised, funds for school buildings and equipment were increased, and school terms were lengthened. Progress varied between states and within each state, but the general trend was upward.

It was in the new climate of opinion

Victory in 1935

First Negro student enters a university in the South by court order



of the thirties that Negroes turned to the courts in their determination to achieve equal status.

In the latter part of the 1930's discrimination in teachers' salaries came under attack through various court suits. Favourable court decisions in some of these cases, together with the insistence of the National Educational Association, were effective in bringing about a number of improvements.

From 1865 until about 1935, a total of 44 cases involving the constitutionality of the separate school came before the higher state and federal courts. All decisions held the bi-racial school system constitutional. Negro leaders then focused their legal attention on higher education for Negroes.

After the first World War there had been a great increase in the enrollment of Negro students in elementary and secondary schools in the South. As a result increasing numbers of students sought training in institutions of higher learning, including graduate and professional schools.

Since it was financially difficult for each Southern state to maintain separate institutions of this kind for Negroes, several states devised programmes for out-of-state scholarships usually to Negro institutions or Northern colleges and universities. Eventually all Southern states except Mississippi provided such scholarships.

In 1935, a young student named Donald Murray entered the law school of the University of Maryland at Baltimore and became the first Negro to cross the colour line of a Southern campus under court order.

Murray had applied for admission to the law school and had been refused in accordance with Maryland's segregation laws. He took his case to the state court and argued that Maryland had no law school for Negroes within its boundaries. Instead it offered less than 100 out-of-state scholarships for some 280 Negro applicants, in order to meet the Plessy doctrine. The state court ordered Murray to be admitted to the Maryland law school, holding that the scholarship arrangement was discriminatory.

Following the Murray case, the U.S. Supreme Court three years later, in 1938, invalidated the legal basis for providing out-of-state scholarships for specialized training. The Supreme Court later ruled on a number of other specific cases and largely invalidated

segregation in graduate and professional schools.

By 1953, all but five state universities in the South had opened their doors to Negroes. In two states they have been admitted to the undergraduate college which had formerly been restricted to whites. Also, some 45 privately-supported white institutions have voluntarily departed from the practice of excluding Negroes. It was estimated in 1953 that between 1,000 and 2,000 Negro students were enrolled in Southern institutions which a few years ago maintained a policy of exclusion. If summer school attendance is counted, the total figure is probably three to four times as large.

Facing the inevitable

THE University of North Carolina Press has just published the result of a long investigation carried out by 45 scholars under the auspices of the Ford Fund for the Advancement of Education. In the study called *The Negro and the Schools*, the author, Harry S. Ashmore of the Southern state of Arkansas, reviews the long legal history of the issue. These are some of his comments on racial integration at the university level:

"In most cases there was a marked contrast in official attitudes before and after the fact of Negro admission. All the Southern universities firmly excluded Negro students until the Supreme Court had systematically undercut the legal basis of their admission policies.

"It is impossible to determine how often this represented the attitude of university administrators, and how often it only reflected passive acceptance of existing statutes and prevailing public opinion.

"In any event, it must be noted that no university administration in the South, public or private, actively sought to abandon segregation until it was faced with what its board of trustees could agree was the inevitable."

Outside of the South, school segregation has been the result more of residential patterns than of law. It is almost inevitable that segregation in housing should produce segregation in education. Children usually attend the school nearest their home and when they live in an all-Negro neighbourhood they will in all likelihood attend an all-Negro school.

About 94 per cent of the Negro population outside the South resides in urban areas. Since the Negro population in the larger cities is usually segregated into residential areas it makes possible the maintenance of some separate schools. The exceptions are the children of Negroes living in rural areas and small towns and those who live in sections of the great cities inhabited by both whites and Negroes. Certain practices such as gerrymandering school districts and encouraging "voluntary" transfers to schools in Negro areas have helped to tighten segregation in some cities.

Recently, however, a strong trend away from segregation has been apparent. In certain border states school segregation laws have been repealed or liberalized ; where segregation was not sanctioned by law legal and administrative action has been taken to apply desegregation.

As shown on the map published on page two of this issue, only four states outside the South permit segregation by option of local school authorities.

Eleven have no laws on segregation and in 16 the law specifically prohibits it. Many communities which have had bi-racial schools for many years have moved away from segregation voluntarily.

This voluntary trend towards desegregation has had a variety of reasons. Foremost among these reasons has been the pre-occupation of the American people with the question of civil rights for minority groups since the last World War. It has been spurred by the uninterrupted pressure from Negroes, from church and civic groups, from educators, school administrators, and social scientists. The press has been a positive force, particularly outside the South where even the most conservative newspapers are now sympathetic to the Negro's demand for complete equality.

TWO RACES, FOUR FRIENDS — "Mixing white and Negro in the same university will only lead to incidents". People who advanced this idea have been proved wrong by time and experience. Except in a few isolated cases the best of relations exist between white and Negro students in universities which have put an end to segregation. (Photos USIS and the Council Against Intolerance in America.)

The United States Supreme Court has now handed down its decision placing a ban on segregation in schools anywhere in the land. The verdict is a momentous one but fraught with difficulties and complexities. It affects the 8,200,000 white children and the 2,530,000 Negro children attending school in the District of Columbia and the states where segregation is sanctioned by law. But there is more involved than putting Negro and white children into the same schools. The absorption of Negro teachers, supervisors and administrators into the desegregated system, the re-arrangement of buildings, finances and taxation all will require a decade to complete.

As one Southern newspaper, the *New Orleans Times-Picayune*, put it, "...In the states where most U.S. Negroes live, the public school systems face the prospect of considerable turmoil for some time to come... all the South can do is shoulder the burden the courts have placed upon them and work soberly to redirect their educational effort along lines that will be acceptable to all..."

Two states, Delaware and Kansas, have already started to abolish segregation in elementary and secondary schools. On June 22, the Board of Education of St. Louis, Missouri, announced that the integration of white and Negro students in the city's public high schools would begin next February 1, and that racial segregation in the elementary schools would be eliminated by September 1955.

"The South has reached a point in its development," the author of *The Negro and the Schools* has written, "where educators and laymen alike are going to have to take a close, new look at their educational problems. Wise leadership at the upper levels can help, and emotional excursions by the leaders of either race can do great harm. But in the end the new patterns will have to be hammered out across the table in thousands of scattered school districts, and they will have to be shaped t. accommodate not only the needs but the prejudices of whites and Negroes to whom these problems are not abstractions but the essence of their daily lives.

"In the long sweep of history the public school cases before the Supreme Court may be written down as the point at which the South cleared the last turning in the road to reunion—the point at which finally, and under protest, the region gave up its peculiar institutions and accepted the prevailing standards of the nation at large as the legal basis for its relationship with its minority race. This would not in itself bring about any great shift in Southern attitudes, nor even any far-reaching immediate changes in the pattern of bi-racial education. But it would redefine the goal the Southern people, white and Negro, are committed to seek in the way of democracy."

THE ROAD TO EQUALITY:
some significant dates

1849 — Abolitionist Charles Sumner argues first school segregation case in U.S. for Negro girl barred from a white school in Boston, Massachusetts. He lost case but in 1855 the state outlawed all school segregation.

1862 — U.S. Congress passes bill abolishing slavery in Washington, D. C.

1863 — President Lincoln puts into effect his Proclamation declaring all persons held as slaves in rebel states free.

— Congress votes bill to eliminate segregation in street cars. First anti-segregation legislation in transportation.

1865 — Thirteenth Amendment ratified, abolishing slavery in the United States and its territories.

1868 — Guarantees of "equal protection of the laws" for all citizens becomes part of Constitution as the Fourteenth Amendment.

1870 — Fifteenth Amendment ratified declaring that the right to vote should not be denied to anyone on grounds of "race, colour or previous condition of servitude".

— Congress passes Enforcement Act, designed to bring Federal Government pressure to bear against any effort to circumvent 14th and 15th Amendments. (Supreme Court nullifies act in 1876 as exceding proper role of Federal Government.)

1875 — Congress passes Civil Rights Law, later nullified by courts, guaranteeing to all persons regardless of race, the use of "inns, public conveyances on land or water, theatres, and other places of amusement".

1880 — Supreme Court invalidates West Virginia law excluding Negroes from juries as denial of equal protection guaranteed by Fifth Amendment.

1896 — In Plessy v. Ferguson, Supreme Court establishes principle of "separate but equal" facilities for Negroes in railway transportation.

1909 — National Association for the Advancement of Colored People established.

1914 — U.S. Supreme Court decides that "grandfather clause" device for restricting Negro voting in South is unconstitutional. Opinion was written by Justice White, a Southerner.

1917 — White women of Southern Presbyterian Church hold first large conference in South with Negro women.

— Supreme Court holds that a municipal housing ordinance segregating whites and Negroes deprives real estate owners of property without due process of law.

— Segregation Ordinance prohibiting Negroes from living in white districts and whites in Negro districts declared unconstitutional by Supreme Court as "not a legitimate exercise of police power of the state and in direct violation of... 14th Amendment".

1918 — Serious race riots in Chicago and other cities result in more attention to conditions of life of urban Negroes.

1922 — Young Women's Christian Association (YWCA), leader in broad inter-racial policies, announces its national conventions will be held only in places where all delegates alike may share in all facilities.

1923 — Federal Council of Churches appoints committee on Church and Race relations.

1923 — Leading newspaper editors in six Southern states call for mutual co-operation between races, for more education for Negroes, equality before law.

1926 — National award established for outstanding creative achievements by American Negroes.

1927 — Texas law barring Negroes from voting in Democratic primary elections is unanimously overruled by Supreme Court. (Five years later, attempt to bar Negroes from primaries by Democratic party resolution is declared illegal by Supreme Court.)

1930 — North Carolina Supreme Court decides that buses must carry Negro inter-state passengers.

1931 — Association of Southern Women for Preventing of Lynching organized.

1934 — Anti-racial Catholic councils established in New York, Washington, Chicago, St. Louis and other cities.

1935 — CIO (important national trade union) adopts constitution barring discrimination in union affairs on grounds of race or colour.

— Donald Murray becomes first Negro to enter all-white Southern university by court order.

— Supreme Court decides that a Negro was denied equal protection of the law at trial on which no Negroes were on jury.

— Negro woman is appointed Principal of New York primary school where 22 of 25 teachers are white.

1937 — Movement spreads to admit Negroes in Catholic colleges outside South.

— U.S. Housing Authority announces it will house Negroes in third of housing units built.

1938 — Supreme Court rules a state must admit a Negro to its law school or establish comparable separate facilities. This decision and others opened doors of Southern professional schools to Negroes.

1939 — Maryland District Court rules that Negro teachers must be paid same salaries as white teachers for same work.

1940 — Life sentence conviction of Southern Negro is reversed by Supreme Court on grounds that Negroes had been barred from jury service at his trial.

— First Negroes begin serving on Southern juries.

— Supreme Court refuses to review Circuit Court of Appeals decision that Negro and white teachers must receive equal salaries for equal work, thus tacitly accepting decision.

— Colonel Benjamin O. Davis, a West Point graduate, becomes first Negro general in U.S. Army.

1941 — President Roosevelt establishes Federal Fair Employment Practices Commission (FEPC), with instructions to seek elimination of discriminatory practices in industry.

— Washington, D.C. Bar Association admits to its library all lawyers in good standing.

— First Negro conducts a symphony orchestra on nation-wide radio hook-up.

— First Negro is elected member of National Institute of Arts and Letters.

1942 — New York hospital sets precedent by becoming completely interracial as to trustees, staff, nurses and patients.

1944 — Supreme Court rules that railroad unions cannot act as bargaining agents unless they grant equality of membership rights to Negroes.

1945 — New York State passes first state Fair Employment Practices law forbidding "discrimination because of

1849-1954

race, creed, colour or national origin" in employment, and sets up State Commission against discrimination.

— Four Broadway plays deal with the theme of race relations.

1946 — Booker T. Washington is first Negro to be honoured in U.S. Hall of Fame. Half dollar coin is also issued in his honour.

— A Negro, Alain Locke of Howard University, is elected President of the American Association for Adult Education.

— American Nurses Association adopts unsegregated membership policy.

— "Jim Crow" practices on interstate buses barred by Supreme Court.

1947 — President Truman's Committee on Civil Rights calls for an end to all forms of segregation.

— Jackie Robinson becomes first Negro to play on a major league baseball team, opening way for other players.

1948 — Supreme Court rules that "racial covenants", (private real estate agreements involving residential race restrictions) cannot be enforced by the courts.

— President Truman issues executive order establishing as a policy for the armed forces "equality of treatment and opportunity for all persons... without regard to race, colour or national origin".

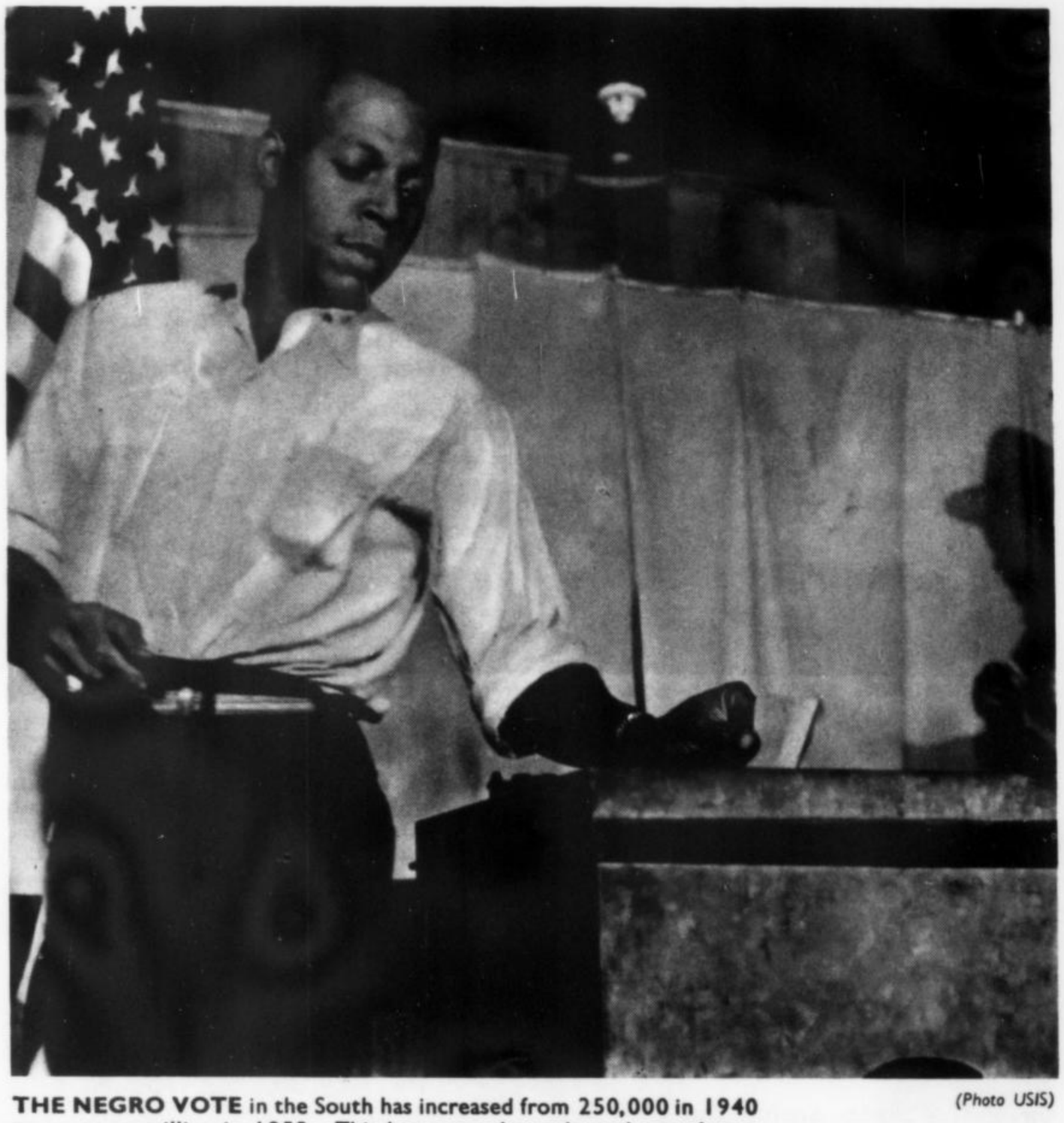
1949 — Alabama constitutional provision giving local registration officials wide powers to deny franchise nullified by a Federal court.

1950 — Segregation in railroad dining cars is banned by Supreme Court.

— Supreme Court in a decision (McLaurin v. Oklahoma) acknowledging that inequality is inherent in segregation, directs University of Oklahoma to stop segregating a Negro student in classrooms, library and other facilities.

1953 — Supreme Court rules that restaurants in District of Columbia cannot legally refuse to serve meals to Negroes, ending a segregation practice that had prevailed there since Civil War days.

1954 — Supreme Court, in a ruling based on principle that separate facilities are inherently unequal, outlaws segregation in free elementary and secondary schools as "a denial of the equal protection of the laws" guaranteed by the Fourteenth Amendment.



THE NEGRO VOTE in the South has increased from 250,000 in 1940 to over one million in 1952. This has come about through population shifts into the towns, improved education, changes in public attitude regarding the Negro's status and the relaxation of voting restrictions

(Photo USIS)

THE VOTE & HOUSING FACTS and FIGURES

NEGROES first came to America as explorers not as slaves. Ancient manuscripts mention Alonzo Pietro, *il nigro* (the Negro), as the pilot of the *Nina* one of Columbus's ships. The territory now forming New Mexico and Arizona was first explored by a party led by Estevanico, a Negro. Aviles de Menendez had Negro artisans with him when he founded St. Augustine, Florida, in 1565.

IN August 1619 "a dutch man of warre" brought to Jamestown, Virginia, "twenty Negers" who were sold for needed provisions. This was one year before the *Mayflower* landed the first refugees from civil and religious oppression in England. The first census in 1790 showed 697,000 slaves in the U.S. of whom 292,000 were in Virginia alone. In 1807, on President Thomas Jefferson's recommendation, the U.S. Congress prohibited further importation of slaves; but illegal trading continued. By 1860, before the Civil War began, the Negro population was 4,440,000. Five years later they had all been set free.

THE slaves in the South made three considerable attempts at revolt: in 1800 under Gabriel Prosser in Virginia; in 1822 under Denmark Vesey in South Carolina; in 1831, again in Virginia, under Nat Turner. These and other attempts failed. During slavery Negroes could gain freedom by some outstanding service, be freed at their master's death, or if they were children born of free Negroes or white servants. They could also buy their freedom. Denmark Vesey had purchased his for $600 after winning $1,500 at a Charleston lottery in 1800. The first census in 1790 showed 8 per cent of the Negroes, or 59,311, to be free.

SLAVES had no vote during slavery but free Negroes voted in many of the Colonies. Gradually this right was taken away. After emancipation, Negroes exercised political rights between 1865-1895. Except for Georgia, Negroes for a time controlled all Southern state governments. Eight states were represented by Negroes in Congress and for seven years Mississippi was represented in the Senate by Negroes.

(Photo USIS)

NEGRO OFFICE HOLDERS have grown in number as voting rights have been extended. Illinois and New York are each represented in the House of Representatives of the national Congress by a Negro. Others serve in the legislatures of the 17 states. The Negro woman shown here is a member of the City Council in Cleveland, Ohio, a city with a million-and-a-quarter population.

The right to vote and the movement toward non-segregated housing

WHEN the North withdrew its armies and the Southern states resumed control movements developed to exclude Negroes from politics. In 1890, Mississippi's revised constitution disfranchised the Negro. Seven other Southern states followed the example, and by 1910 Negroes lost the right to vote in nearly all the Southern states.

IN the North during the Civil War period, only New York and five New England states allowed Negro suffrage. After the war a U.S. Constitutional amendment enfranchised the Negro. Since then there has been no significant attempt in the North to deprive the Negro of the right to vote.

VARIOUS methods were used in the Southern states to bar Negroes from voting. Voters were disqualified if they were illiterate, or did not possess $300 worth of taxable property, or had not paid a poll tax, or did not have a regular occupation, or had not served in the army, or were not persons of "good character", or if they or their descendants could not vote prior to 1867 ("Grandfather clause"), or did not understand properly a clause of the Constitution and could not explain it when it was read to them. The "Grandfather Clause" was declared null and void by the U.S. Supreme Court in 1914.

AS the racial animosities generated in the post-Civil War period subsided, many restrictions were relaxed so that in communities scattered throughout the South small numbers of Negroes were able to vote and take part in politics, particularly in cities.

Since 1940 the Negro vote has risen markedly: over one million in 1952 compared to 250,000 in 1940. This change has occured as a result of the growing urban population of Negroes in the South, improved education, the reorganization of life during the second World War, and an important change in public opinion regarding the status of the Negro in American society. It was also made possible by the elimination of the "white primary" by the courts, the abolition of the poll tax in six states and other relaxations of voting restrictions.

THE poll tax was repealed by six states between 1920-1949. Only five states still require it for voting and in several, opposition to it is mounting. Despite the wide publicity the poll tax received as a device for restricting Negro voting, its effects are now considered to have been exaggerated. The poll tax had to be paid before registration for voting. Registration was held several months prior to elections and a receipt for taxes paid had to be submitted.

WITH increased voting rights came an increased political awareness and a great increase in Negro office holders. Illinois and New York are each represented in the House of Representatives of the national Congress by a Negro. In 1900 only one or two Negroes were members of state legislatures. By 1946 there were at least 38. In 1952 a Negro woman won a seat in the state senate of Michigan. The 17 states in which Negroes now serve in state legislatures include Kentucky, in the South, and Missouri and West Virginia, border states.

THE most striking development since 1947 has been the election or appointment of Negroes to offices in communities in the South. They are members of the city councils of Richmond (Virginia), Nashville (Tennessee), Atlanta (Georgia), and three cities in North Carolina: Winston Salem, Greensboro, and Durham. Negroes have been appointed to state or city boards of education in at least seven states in the South. In recent years Negroes in Southern towns have been elected magistrates, constables, commissioners. In 20 North Carolina cities last year Negroes were candidates for municipal offices. Sixteen major Southern cities employ nearly 65,000 Negro persons, 468 of whom are engaged in managerial or professional tasks. In the North there has been a similar increase in the number of appointive positions held by Negroes.

THE great migration of Negroes to the North that began before World War I and reached its climax within the last 20 years has created a difficult housing problem for the Negro.

In many large Northern cities, Negroes often live in overcrowded, dilapidated buildings in segregated slum areas. In the South, Negroes often live not only in the same section of town but on the same streets with whites. Most Southern cities today have several large concentrations of Negroes with a light scattering over most of the cities.

Negroes waged a long fight to eliminate "racial covenants", private real estate agreements, which confined them to restricted areas. They won the battle in the courts in 1948 and, as a result, Negroes have been able to move into new areas in certain cities.

But although Negro income has increased considerably in the last decade, Negroes have benefited from only a small proportion of new housing built during this period, and continue to occupy a greater proportion of substandard housing than whites. About 9 million new dwelling units were built by private enterprise between 1935-50 of which 100,000 or slightly more than one per cent went to Negroes.

IN recent years, however, a strong movement has grown for mixed Negro-white public housing projects. New York City, Chicago, Philadelphia, Los Angeles, New Haven, Pittsburgh, Seattle, and Washington, D.C. are some of the cities that have shown that whites and Negroes can get along without friction. Though not

often publicized these housing programmes represent one of the most important gains in the Negro's struggle for racial equality since the Civil War.

PERHAPS the most outstanding success in non-segregrated public housing occurred in New York City. In 1947 all 14 of the city's housing projects had Negro and white tenants, and the authorities reported that : "Negro and white families live side by side... in harmony and peace despite the scepticism this policy met in the early days." Almost all metropolitan cities in the North with large Negro populations (except Philadelphia and Detroit) made advances during the 1940's in the direction of eliminating segregation in public housing.

The greatest success in integration has been achieved where Negroes are assigned appartments in the same buildings with whites. Here tensions have gone, differences have been adjusted and a peaceful atmosphere created.

Where only token integration exists or where the races are separated by buildings or other lines of demarcation much less is accomplished. Tenants cling to their old prejudices and it is found that the races stay apart and that white children often do not play with Negro youngsters.

A RECENT study of four public housing projects in New York and Newark, New Jersey, throws light on the effect of racial contacts on people's attitudes concerning other races. Two projects had segregated buildings, the other two had mixed tenants in the same buildings. A comparison of the two groups showed that in the non-segregated buildings there were many more cases of friendly, neighbourly, contacts between different races ; a more favourable attitude toward Negroes in the project and Negroes in general ; a more favourable attitude toward living in an inter-racial project. The survey also showed that some white tenants who had been loudest in objecting to living next to Negro families came to accept as *neighbours* these Negro families.

The experience with racially mixed public housing has encouraged a series of privately-financed mixed housing. In 1944, as a result of pressure from Negro organizations aided by white groups, an ordinance was passed in New York City prohibiting discrimination in tax-exempt housing projects developed by private industry. Many people predicted that white people in the higher income brackets would refuse to live side by side with Negroes and that investments would be curtailed. These fears have proved wrong. Millions of dollars have been invested in such projects. In 1951 for example, it was announced that New York City had obtained sponsors for the housing settlements amounting to a cost of $10 million. Rental of all the units in this project are covered by the city's anti-discrimination law. Private investors in Chicago have planned several similar developments in non-segregated housing in its slum clearance programme in the Black Belt. But so far projects for mixed housing by private investors only exist in New York and Chicago.

BETTER HOUSING—In many cities across the U.S. housing construction is under way on a larger scale than ever before. In New York, the municipal housing board, labour unions and insurance companies have built landscaped dwelling developments for Negroes and whites (above and below). A city ordinance passed in 1944 prohibits race discrimination. Plans exist to destroy all slum areas such as this one in Harlem (right) where a backyard serves as a playground for the local children.

(Photos USIS and Rapho-Black Star)

From the Unesco Newsroom..

EUROVISION IS HERE: Eight European countries have recently been exchanging programmes over national television networks in an international experiment known as Eurovision. The countries taking part in the exchange—Belgium, Denmark, France, Germany, Italy, Netherlands, Switzerland and the United Kingdom—have been relaying the programmes to eighty stations covering a 3,800 miles network, with a potential viewing public of some 90 million people. Programmes were chosen to show various aspects of each country's national life. During the relays, broadcasting organizations made, at Unesco's suggestion, surveys of audience reactions to these programmes. At the end of Eurovision month, the first international TV seminar opened in London, organized by the British Broadcasting Corporation and Unesco. Television producers and directors of educational and cultural programmes from different countries all over the world exchanged views and discussed ways of using television for educational and cultural purpcses.

★ **YOUNG COMMUNITY BUILDERS:** *Leaders of youth, students and young workers' groups from 20 Latin American countries are to meet in Havana in October for discussions on ways in which young people can contribute to the life and development of their communities. This seminar is being held under the auspices of Unesco.*

POLITICAL FREEDOM FOR WOMEN: The United Nations Convention on the Political Rights of Women signed by 35 nations, has now come into force following its ratification by six countries. It provides that women shall be entitled to vote in all elections, to hold public office and to exercise all public functions, on equal terms with men.

★ **CATHOLICISM AND MARXISM:** *At a recent press conference in Madrid, Dr. Luther H. Evans, Unesco's Director-General, was asked to comment on whether it was true, as some persons believed, that the orientation of Unesco was Marxist and anti-Catholic. Since his reply was misunderstood by some members of the press, it is necessary to give a precise statement here of what was said. Speaking in English, Dr. Evans replied that Unesco had no such bias, that its fundamental principle was to preach tolerance in regard to religion, and not to take part in the conflict of political ideologies. Dr. Evans indicated that he believed the erroneous impression about Unesco's attitude concerning religious matters had originated in part with an essay which Dr. Julian S. Huxley had published privately while serving as the Organization's first Director-General. He did not believe, however, that anyone could fairly construe Dr. Huxley's essay as being Marxist in tone or orientation.*

U.S. SENATE APPROVES RATIFICATION OF UNIVERSAL COPYRIGHT CONVENTION

The Senate of the United States approved on June 25 by a vote of 65 to 3 the ratification of the Universal Copyright Convention which was adopted in September 1952 by an inter-governmental conference convened at Geneva under the auspices of Unesco and the Swiss Government. This Convention will modify in several respects the domestic legislation of the countries involved. And in order to permit these modifications in American law, identical bills were presented to the Senate and the House of Representatives.

The President of the United States transmitted the Convention to the Senate last year. It will devolve upon the President to proclaim the formal ratification of the Convention by the United States Government, and to deposit the instruments with the Director-General of Unesco. At that time, the United States will for the first time have with the countries of Europe, Asia and Africa multi-lateral links of considerable importance in regard to the protection of the rights of writers and artists.

EUROPE'S NUCLEAR RESEARCH: Professor Felix Bloch, of Stanford University (U.S.A.), and 1952 Nobel Physics prizewinner, has been proposed as Director of the European Nuclear Research Organization (CERN) which will build an international laboratory in Geneva and promote other forms of collaboration in this field. Research at CERN will be of a non-military character and its results will be made freely available. The Convention establishing CERN was signed last year by 12 Unesco member states. So far, the United Kingdom, Switzerland, Denmark, and the Netherlands have ratified it. Its entry into force requires ratification by seven states whose contributions total 75% of the Organization's budget. It is expected that Professor Bloch's appointment will be confirmed by the Council of this new organization.

★ **FIRST COUPON TRAVELLERS:** *Sixty-five students representing France at an international conference in Rome formed the first group to make use of new travel coupons issued by Unesco. The conference discussed contemporary architecture, teaching methods, openings for graduates and international exchanges. Purchasers of travel coupons pay for them in their home country with their own currency and cash them abroad for the currency of the country they are visiting. Italy, although not one of the eleven countries officially taking part in the travel coupon plan, agreed to cash the student's coupons.*

WORLD HOUSING PROBLEM: One hundred and eighty million families are today without adequate housing according to Mr. David A. Morse, Director-General of the International Labour Organization. Reporting to the ILO annual conference, Mr. Morse said: "The world has now accepted that starvation and raggedness are not tolerable as part of the worker's lot. We have been less aware of the damage to workers' health, happiness, efficiency and citizenship that is done by the appalling state of housing in most parts of the world."

★ **HUMAN RIGHTS DENIED:** *A confidential list of communications alleging violations of human rights is regularly submitted to the United Nations Human Rights Commission meeting in closed session. The current list contained summaries of or references to 9,524 communications received between March 13 and December 31, 1953. The great majority, 7,850, alleged violation of freedom of religion, and 1,343 violation of human rights on political grounds.*

STAMPS SPREAD KNOWLEDGE: "Why throw away the most instructive of toys?" asks a circular sent to business firms in the Lebanon, to request them to save stamps from their mail each day. This is part of a campaign started by the Lebanese "Friends of Unesco Association" to collect stamps to help in teaching geography and history in the schools. In the United States, the U.N. Postal Administration is helping to form United Nations Stamps Clubs whose aim is to encourage youngsters to learn about peoples and places throughout the world through stamp collecting. Unesco is awarding a $500 prize for the design of a postage stamp illustrating its work. Over 200 designers have been invited by the UN Postal Administration to take part in the competition, result of which will be announced in September.

★ **MEET THE SCHOOL:** *French schoolchildren have recently been taking part in a series of broadcasts in which individual French schools have been "introduced" to the public. From these programmes listeners have learned a great deal about the history and traditions, geographical situations and attainments in music, sports and other fields of their country's schools.*

FREE FLOW FILMS: A Unesco-sponsored international agreement removing tariff and trade barriers to films, sound recordings and other audio-visual materials has come into force after being ratified by ten countries. Another Unesco treaty removing tariffs on books, works of art and a wide range of educational materials, is already being operated by 17 countries.

★ **RUMANIA AND UNESCO:** *Rumania has applied for membership of Unesco. As this country is not a member of the United Nations, its request has first to be approved by the Economic and Social Council of the United Nations (ECOSOC). Rumania may then join Unesco upon recommendation by Unesco's Executive Board and approval by a two-thirds majority of the General Conference. The Unesco Executive Board is next meeting in Venice on July 14, and the General Conference will hold its next session in Montevideo, on November 12.*

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